

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1845/02**

**Shri.Abhijit Subhash Agre,  
T.P.Khotal, 'Savali', 88/25,  
Near Adity Bakery, Gujrat Colony,  
Kothrud, Pune – 38.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Health Services (NPCB),  
Arogya Bhavan, 7<sup>th</sup> Floor,  
St.George Hospital Compound,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer,  
Health Services (NPCB),  
Arogya Bhavan, 7<sup>th</sup> Floor,  
St.George Hospital Compound,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding rights of Ayurved postgraduate ophthalmologist, whether they are permitted to do the ophthalmic surgeries, specially the ophthalmic surgeries held under the National Blindness control programme in Maharashtra State also what is the govt's stand regarding this subject in Maharashtra.

Not satisfied with responses from the Public Information Officer or the First Appellate Authority the appellant has filed this second appeal.

The appeal was heard on 05.02.2005. Appellant and respondent were present. The main contention of the appellant is that he had written to Govt. requesting to allow doctors belonging to the Indian system of Medicine to participate in the Nation Blindness Control Programme. The Public Information Officer by his letter dated 18.07.2008 informed the appellant that the programme is implemented in accordance with the guidelines issued by Govt. of India. According to these guidelines, those who have done their masters in surgery and have been trained to carryout cataract operation can only operate. The respondent is obviously not satisfied. Hence this appeal.

I have gone through the case paper and considered the arguments advanced by parties. The appellant's main contention is that they should be allowed to practice / participate in the Notional Campaign against Blindness. He is not asking for any information as such. This in fact is policy matter where govt. has to take a conscious decision. This, I feel is beyond the scope of RTI. I am therefore constrained to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 10.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1872/02

**Shri.Hemant Koli & Other**  
**Turbhe Machhimar Vividh Karyakari Sahakari Soc. Ltd,**  
**Near Ram Mandir, Trombe Kolu Wada,**  
**Mumbai – 400 088.**

... **Appellant**

V/s

**First Appellate Officer cum Commissioner of Fisheries,**  
**Tara Porewala Aquarius, Netaji Subhasha Road,**  
**Mumbai – 400 002.**

... **Respondent**

**Public Information Officer cum Assit. Commissioner of Fisheries,**  
**Tara Porewala Aquarius, Netaji Subhasha Road,**  
**Mumbai – 400 002.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to development of small ports and jetties in Mumbai district. Not satisfied with responses from the Public Information Officer and the First Appellate Authority he has come in appeal before the commission. The appeal was heard on 10.02.2009. Appellant and respondent were present. Respondents explained in detail the steps taken by them despite adverse remarks from CIC EF, Bangalore. The appellant seemed satisfied. He however wanted a copy of the letter no SMS/Ta-2/2833/2006 dated 01.07.2006 which respondents readily agreed. The appeal is therefore closed.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 10.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1865/02**

**Shri. Nitin M. Sarvaiya,  
51/1119, 3 Azad Nagar,  
Veera Desai Road, Andheri (W),  
Mumbai – 400 058.**

... **Appellant**

**V/s**

**First Appellate Officer cum Dy Registrar,  
Cooperative Board,  
Mumbai Housing & Area Development Board,  
Mumbai Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Cooperative Officer,  
Cooperative Board,  
Mumbai Housing & Area Development Board,  
Mumbai Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked information relating to Krupsagar Cooperative Hosuing Society, Azad Nagar, Veera Desai Road, Andheri (W), Mumbai. He wanted to know the date on which the Managing committee was elected; the date on which they assumed office, the date on which they executed bonds and informed the office of the Dy. Registrar and copies of the bonds executed by members of the Managing Committee. The Public Information Officer informed him that the information are available with the society and he should collect from there. The appellant was not satisfied and preferred the first appeal.

The First Appellate Authority by his order dated 15.07.2008 directed the PIO to furnish the required information. Since the appellant did not get the information he has come in appeal before the commission. The appeal was heard on 10.02.2009. Appellant and respondent were present. The main contention of the appellate is that he has not been furnished the required information. The respondent has contended that he did not have the information and therefore it was not furnished. I have gone through the case papers

and also considered the arguments advanced by parties. The RTI Act very clearly says that information has to be furnished by the public authority who holds it or under whose control the information is held. The Dy. Registrar cannot escape the responsibility of furnishing the information as the same is being held under his control. The Maharashtra Cooperative Societies Act 1960 gives ample power to the District Registrar to set things right. In addition, rule 58 A of the Maharashtra Cooperative Society Rules 1961 requires that the society will inform the District Deputy Registrar about execution of the bond. It means that he has to monitor whether the bond has been furnished or not. Thus if some society does not inform him, I expect him to find out why he has not informed and proceed against the society in case they have not complied with the requirement of law. I am of the view that the Dy. Registrar should not be silent spectator. Under these circumstances this I pass the following order.

**Order**

The appeal is allowed. The Public Information Officer will collect the relevant information and furnish to the appellant free of cost. If the society does not comply he should proceed according to the law. This has to be done within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 10.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1866/02**

**Shri.Bhushan Bhagvandas Patel  
C/16, Chicholi Bander Road,  
Malad (W), Mumbai – 400 064.**

... **Appellant**

**V/s**

**First Appellate Officer cum Additional Collector,  
Mumbai Suburban, District Western Suburban,  
Administrative Building, Bandra (E),  
Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Niwasi Dy. Collector,  
Mumbai Suburban, District Western Suburban,  
Administrative Building, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding occupants of tenements in Building No 13, 14 and 16 of Kaveri SRA project. Not satisfied with responses from the Public Information officer and the First Appellate Authority, the appellant has come in appeal before the commission. The appeal was heard on 10.02.2009. Appellant and respondent were present. The appellant has stated that he is made to run from pillar to post and not getting the information. He has stated that the collector's office asked him to get the information from the SRA but SRA directed him to get in touch with collectors office.

I have gone through the case papers. It appears that the annexure II for this project was prepared by collector (MSD). The project is complete and tenements have been allotted. These subsequent activities are undertaken under the general supervision of SRA. The SRA is also connected with allotment of tenements. I therefore conclude that the information sought should be furnished by SRA. In case it is not readily available, the same should be should be collected and furnished to the appellant.

**Order**

The appeal is allowed. The Executive Engineer, SRA to furnish / arrange to furnish the information within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 10.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1881/02**

**Shri. Shaikh Naseebullah  
Joshi Building, Dock Yard,  
Mumbai – 400 010.**

... **Appellant**

**V/s**

**First Appellate Officer,  
Chief Planning Division,  
MMRDA, Bandra-Kurla Complex (E),  
Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
Chief Planning Division,  
MMRDA, Bandra-Kurla Complex (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted to know whether MMRDA had any proposal of undertaking any development work between Dockyard to Cotterngreen, what was MMRADA's policy of shifting affected persons and how many shops were likely to be affected. Not satisfied with replies from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the commission. The appeal was heard on 11.02.2009. The appellant did not turn up. The respondent was present. It has been stated by him that the information sought was very broad and not connected with his department. I would like to point that the application had originally gone to the Planning Division but was transferred to Engineering Division. The appellant is not supposed to run from one place to another. I can understand his concern about the rehabilitation. I therefore feel that the information must be furnished. Since the papers today are with the Engineering Division. I direct that the Engineering Division should furnish the information. They can seek assistance from any department and the said department shall be under obligation to assist the Engineering Division.

**Order**

The appeal is allowed. Engineering Division, MMRDA to furnish the information within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1875/02**

**Shri. Suresh Nana Tadke  
Shahid Bhagat Sing Nagar,  
B.P.T. Gate No.5, Room No.46,  
Antop Hill, Wadala (E), Mumbai – 400 037**

**... Appellant**

**V/s**

**First Appellate Officer cum Assist. Engineer,  
Municipal Corporation, P/North Division Office,  
Ground Floor, Trimurti Towers,  
Near Jakeria Road, Malad (W),  
Mumbai – 400 064.**

**... Respondent**

**Public Information Officer cum Chief Engineer,  
Municipal Corporation, P/North Division Office,  
Ground Floor, Trimurti Towers,  
Near Jakeria Road, Malad (W),  
Mumbai – 400 064.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had wanted to know reasons for his dismissed from the job. The appeal was heard on 11.02.2009. Appellant and respondent were present. The appellant stated that he has not been told the reasons for removal from his job. The respondents have explained that the appellant was working as 'bodali worker' in the MCGM. He remained absent and according to the rules ceased to be a badali worker. They also showed to me a copy of the communication sent to the appellant. In view of the fact that the appellant has already been informed and communicated the grounds for his removal, I decide to close the case.

**Order**

The appeal is dismissed.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.02.2009



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1886/02**

**Smt. Tarulata D. Shah  
Shop No.10, Ground Floor,  
Shakti Products, Shakti Junction,  
Marker Manzil, M.G. Road,  
Lonavla (E), – 410 401.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Chief Officer  
MBRRB, Second Floor, Room No.372,  
Griha Nirman Bhavan,  
Kalanagar, Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Chief Engineer,  
MBRRB, Second Floor, Room No.372,  
Griha Nirman Bhavan,  
Kalanagar, Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding allotment of premises in respect of reconstructed building no.12, 11<sup>th</sup> Lane, Kamathipura, Mumbai. Not Satisfied with responses from the PIO and the First Appellant Authority, the appellant has come in appeal before the commission. The appeal fixed for hearing on 11.02.2009. Neither the respondent nor appellant was present. The case is decided on merit.

It appears from the information sought that the appellant has not been provided an alternative accommodate action and the information is being sought in that context. I therefore pass the following order.

**Order**

The appeal is allowed. PIO to furnish information within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1884/02

Mr. L.S. Kolhe  
Kopargoan, Indirapath,  
Kopargoan.

... Appellant

V/s

First Appellate Officer cum Dy. Secretary,  
PWD (Establishment 2), Mantralaya,  
Mumbai – 400 032.

... Respondent

Public Information Officer cum Under Secretary  
PWD (Establishment 2), Mantralaya,  
Mumbai – 400 032.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding revision of his provisional pension. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellate has come in appeal before the commission. The appeal was heard on 11.02.2009. Appellant did not turn up. Respondents were present. They have informed the commission that the proposal has been sent to the Accountant General. He has submitted a copy of the letter to the commission. In the light of the above circumstances I pass the following order.

### Order

The appeal is partially allowed. Appellant should be given a copy of the proposal sent to the Accountant General.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 12.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1877/02

**Mr. Suresh Krushna Palande,  
Dindoshi BMC Colony, Ward-C,  
Room No.240, J.A.K. Vaidhy Marg,  
Goregoan (E), Mumbai – 400 065.**

... **Appellant**

V/s

**First Appellate Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Slum Rehabilitation scheme and different dynamics of its implementation. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has come in appeal before the commission. The appeal was heard today. Appellant and respondents were present. It transpired during the hearing that the appellant wants information regarding some SRA Project in his area. The respondent however has contended that since no details like CTS No, Survey no has been furnished it was not possible to furnish the required information. The appellant agreed to get in touch with the SRA with all relevant details. I therefore decide to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1890/02

Mr. Shashikant Vishram Savant,  
Pratiksha Nagar, Bhahumanzli no.10/203,  
Sion Koliwada, Mumbai – 400 022.

... Appellant

V/s

First Appellate Officer cum Dy Chief Officer,  
Mumbai Building Rapiar & Recantation Board,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.

... Respondent

Public Information Officer cum Estate Manager,  
Mumbai Building Rapiar & Recantation Board,  
Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding fixing of rent and also a copy the letter dated 23.03.2001 from Shri Madhukar Vichare from Maharashtra Gruhanirman Karamchari Sangathana. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant come in appeal before the commission. The appeal was heard on 12.02.2009. Appellant and respondent were present. The appellant's main contention is that the rent of Rs.600 is very high. Respondent has stated that this rent was fixed in consultations with the union.

After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that PIO should make efforts to locate the file so that a copy of the letter dated 23.03.2001 can be given to the appellant.

### Order

The appeal is disposed off.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 12.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1902/02**

**Mr. Seeril Peter D'soza  
Good luck Chawl, Room No.18,  
Near Sai Sankalp Building,  
Opp. BMC Colony, Malvani Block No.3,  
Malad (E), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Chief Executive Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for information regarding redevelopment etc CTS Sn.754 (part) and 763, its layout plan, annexure II and copies of correspondence between the builder and the SRA. The appeal was heard on 12.02.2009. Appellant did not turn up. Respondent was there. After going through the case papers I have come to the conclusion that information should be furnished. I therefore pass the following order.

**Order**

The appeal is allowed. PIO to furnish the required information within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1900/02

**Mr. Prakash Govind Navathe**  
**204, Rajbaug, Bhalchandra, Marg,**  
**Matunga, Mumbai – 400 019.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer,**  
**Municipal Cooperation (B P), E Ward Office,**  
**3<sup>rd</sup> Floor, 10 Shaikh Hafijuddin Marg,**  
**Byculla (W), Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Executive Engineer,**  
**Municipal Cooperation (B P), E Ward Office,**  
**3<sup>rd</sup> Floor, 10 Shaikh Hafijuddin Marg,**  
**Byculla (W), Mumbai – 400 008.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for certification of the letter dated 14.05.2003 from M/s Karavi & Sons Consultants Pvt Ltd to the Executive Engineer Building proposal (City) MCGM Byculla, Mumbai. The same has been denied on the ground that the original was not available on the file and therefore a copy cannot be certified. The appellant had requested for name of the Executive Engineer in whose office the letter was received. The appellant was not satisfied with the reply and hence this appeal. The appeal was heard on 12.02.2009. The appellant did not turn up. The respondent was present. After going through the case papers and considering the argument advanced by the respondent, I have come to the conclusion that the request has rightly been rejected. Since the original was not available, it will not be proper to direct the Executive Engineer to certify it. I am however inclined to direct that the appellant if he so desires can inspect the relevant file ask for certified copy of the documents selected by him.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1901/02**

**Mr. Goroba Bhimrao Sawalkar,  
3/6, Saudamini, MSEB Officers Quitters,  
Haji Ali, Mahalaxmi, Mumbai**

**... Appellant**

**V/s**

**First Appellate Officer,  
Cast Certificate Validity Board,  
Mumbai Division, Konkan Bhavan,  
5<sup>th</sup> Floor, Navi Mumbai.**

**... Respondent**

**Public Information Officer,  
Cast Certificate Validity Board,  
Mumbai Division, Konkan Bhavan,  
5<sup>th</sup> Floor, Navi Mumbai.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant's son had applied for verification of his caste certificate. He has not received any communication and therefore applied under RTI to know the action taken on his application. The committee seems to have misplaced his application. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has come in second appeal before the commission.

The appeal was heard on 12.02.2009. The appellant was present but the respondent was absent. After going through the case papers and considering the arguments advanced by the appellant I have come to the conclusion that the appellant needs to be told what has happened to his application. It is not enough to say that the application is lost. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to inform the appellant what action has been taken to get the certificate verified. He should examine the feasibility of reconstructing the case. He should also show cause why action under section 20 of the RTI should not be initiated against him. The PIO to comply within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1906/02

**Mr. Prakash Govind Navathe**  
**204, Rajbaug, Bhalchandra, Marg,**  
**Matunga, Mumbai – 400 019.**

... **Appellant**

V/s

**First Appellate Officer cum Dy Chief Engineer,**  
**Municipal Cooperation (B P), E Ward Office,**  
**3<sup>rd</sup> Floor, 10 Shaikh Hafijuddin Marg,**  
**Byculla (W), Mumbai – 400 008.**

... **Respondent**

**Public Information Officer cum Executive Engineer,**  
**Municipal Cooperation (B P), E Ward Office,**  
**3<sup>rd</sup> Floor, 10 Shaikh Hafijuddin Marg,**  
**Byculla (W), Mumbai – 400 008.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for certification of the letter dated 14.05.2003 from M/s Karavi & Sons Consultants Pvt Ltd to the Executive Engineer Building proposal (City) MCGM Byculla, Mumbai. The same has been denied on the ground that the original was not available on the file and therefore a copy cannot be certified. The appellant had requested for name of the Executive Engineer in whose office the letter was received. The appellant was not satisfied with the reply and hence this appeal. The appeal was heard on 16.02.2009. The appellant did not turn up. The respondent was present. After going through the case papers and considering the argument advanced by the respondent, I have come to the conclusion that the request has rightly been rejected. Since the original was not available, it will not be proper to direct the Executive Engineer to certify it. I am however inclined to direct that the appellant if he so desires can inspect the relevant file ask for certified copy of the documents selected by him.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 16.02.2009



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1894/02

**Mr. Nikhil Jayantilal Gandhi**  
**185 A Shri Shivam Co.Op.H.Soc.Ltd,**  
**Flat A-7, 3<sup>rd</sup> Floor, S.V. Road,**  
**Vile-Parle (E), Mumbai – 400 056.**

... **Appellant**

V/s

**First Appellate Officer cum Head of Department,**  
**Dy. Registrar, Cooperative Board (3),**  
**Grihanirman Bhavan, Ground Floor,**  
**Desk No 69, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Dy. Registrar,**  
**Cooperative Board (3), Grihanirman Bhavan,**  
**Ground Floor, Desk No 69, Bandra (E),**  
**Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding action taken on his complaint dated 02.05.2008. The appellant had complained that the administrator, Shri Shivam CHS, S.V.Road Vile Parle, Mumbai allowed Shri. Rajesh Shah a non member to attend the general body meeting contrary to provision of law and the society's bye laws. Not satisfied with responses from the Public Information officer and the First Appellate Authority, the appellant has preferred this second appeal. The appeal was heard on 12.02.2009. Appellant and respondent were present. After going through the case papers on record and considering the arguments advanced by parties, I have come to the conclusion that the appellant needs to be informed what action has been taken on his complaint dated 02.05.2008. I therefore pass the following order.

### **Order**

The appeal is allowed. Appellant should be furnished the required information within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1835/02**

**Mr. Annasaheb Mane  
2, Acharya Atre Nagar, S.M. Road,  
Antop Hill, Wadala (E),  
Mumbai – 400 037.**

... **Appellant**

V/s

**First Appellate Officer cum Assit. Commissioner,  
Municipal Corporation, F/North Ward Office,  
Bhaudaji Marg, Matunga (E), Mumbai.**

... **Respondent**

**Public Information Officer cum Assit. Engineer,  
(Water Connection)  
Municipal Corporation, F/North Ward Office,  
Bhaudaji Marg, Matunga (E), Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding unauthorized water connection to transit camp at Acharya Atre Nagar CTS 342 Matunga Division, Mumbai and arrears against meter no 0080000 in the name of Remesh Tayappa and others. Not satisfied with responses from the Public Information officer and the First Appellate Authority he has come in second appeal before the commission. The appeal was heard on 09.02.2009. Appellant and respondent were present. It is revealed from the order passed by the First Appellate Authority that required information has been furnished. Unauthorized water connection has been disconnected and no connection has been given to those who have arrears of water charges. The required information thus has been furnished. I have however noted the appellant's concern about official's alleged indifference to punish those guilty. This is totally in Public interest and those in charge need to take cognizance of this.

**Order**

Since information has been furnished, the appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1737/02**

**Mr. Seeril Peter D'soza  
Good luck Chawl, Room No.18,  
Near Sai Sankalp Building,  
Opp. BMC Colony, Malvani Block No.3,  
Malad (E), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer cum Assit. Commissioner,  
Municipal Corporation, P/North Ward Office,  
Mamledar Wadi, Liberty Garden,  
Malad (W), Mumbai – 400 064.**

... **Respondent**

**Public Information Officer cum Assit. Engineer (B & F),  
Municipal Corporation, P/North Ward Office,  
Mamledar Wadi, Liberty Garden,  
Malad (W), Mumbai – 400 064.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding unauthorized construction by Hotel Sampurna. The appellant has alleged that the Public Information Officer has not furnished the required information despite direction from the First Appellate Authority. He has come in second appeal therefore the commission. The appeal was fixed for hearing on 27.01.2009. Neither the appellant nor the respondent turned up. The appeal is decided on merit. After going through the case papers, I have come to the conclusion that the PIO has not followed the directive given by the First Appellate Authority. There is standard letter informing the appellant that action under section 351 has been initiated. This is not enough. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to furnish information to the appellant, the latest position of the case, action taken and being taken. Failure to comply this order within 15 days will lead to initiation of action under section 20 of the RTI Act 2005.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1904/02

Smt. Suman Pandharinath Deolkar  
Bhagirthi Apt. no.3, A wing, Room no.2,  
Jadhavwadi no.16, Gupte Road,  
Dombiwali (E) 421 202.

... Appellant

V/s

First Appellate Officer,  
Human Rights Commission,  
9, Hajari Mal Somani Marg,  
Opp. Chatrapati Shivaji Terminal,  
Mumbai – 400 001.

... Respondent

Public Information Officer,  
Human Rights Commission,  
9, Hajari Mal Somani Marg,  
Opp. Chatrapati Shivaji Terminal,  
Mumbai – 400 001.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for copies of statement relating to his case decided by the Human Rights Commission. Not satisfied with responses received from the Public Information officers, the Appellate Authority, the appellant has preferred this second appeal before the commission. The appeal was heard on 12.02.2007. Appellant and respondent were present. The appellant has stated that he was not clear about the issues on which he has been called by the information commission. It is very clear that he has been called because he has filed his second appeal. All that I could gather was that he is highly aggrieved. The respondent will allow him inspection of documents and also furnish copies of the required ones. Under these circumstances, I pass the following order.

**Order**

The appeal is allowed. Appellant should allowed inspection documents and furnished copies of selected ones.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1896/02**

**Smt. Veena Shard Sawant  
Sawant Nivas, Sahdeo Rane Marg,  
Behind Jain Mandir, Dahisar (W),  
Mumbai – 400 068.**

... **Appellant**

**V/s**

**First Appellate Officer,  
Small cause Court,  
Mumbai – 400 002.**

... **Respondent**

**Public Information Officer,  
Small cause Court,  
Mumbai – 400 002.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Departmental Enquiry being held against her. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has preferred this second appeal before the commission. The appeal was heard on 12.02.2009. Appellant and respondent were present. It has been stated by the appellant that she needs to be told under what provisions of law she was called when no enquiry officer was appointed. It has been stated by respondents that all papers relating to the Department Enquiry are with the Enquiry Officer and she can ask for copy of any of the documents.

After going through the case papers I have come to the conclusion that the PIO and the First Appellate Authority have addressed the issue in proper perspective and I see no reason to interfere with their orders. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1893/02**

**Mr. Vinod V. Bamane  
39/2, Topiwala Chawl,  
Pipe Line, Khar (E),  
Mumbai – 400 051.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Mumbai Housing & Area Development Board,  
Mumbai Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Mumbai Housing & Area Development Board,  
Mumbai Grihanirman Bhavan, Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding allotment of flats and grant of land under discretionary quota of Govt. (also known as 20% quota.) He has request for a list of beneficiary and also of those who have not yet been granted. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has approached the commission in second appeal. The appeal was heard on 12.02.2009. Appellant and respondent were present. There is noting on record to show that the information has been furnished to the appellant. It is very clear that all information except those specifically exempted have to be disclosed under the RTI Act. Disbursement under Chief Minister Relief Fund is now accessible to the general public under Right to Information Act. In the Light of these discussions, it is very necessary that the required information is furnished to the appellant. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1912/02**

**Ms. Nalini Dawada  
1, Jyostna Prakash, 1<sup>st</sup> Floor,  
Opp. Syndicate Bank,  
Near Rail Station,  
Goregaon (E), Mumbai – 400 063.**

... **Appellant**

V/s

**First Appellate Officer cum Sr. Architect,  
Architect Department, MHADA, Bandra (W),  
Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Architect,  
Architect Department, MHADA, Bandra (W),  
Mumbai – 400 050.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought the following information in connection with redevelopment of CTS No. 195 (part) survey no.106 A-DN Nagar, K-3/K4 known as Neptune Cooperative Housing Society, J.P. Road, Andheri (W), Mumbai.

- 1) Approval of selected managing committee of the members of society from Registrar as per Maharashtra Co-Op Society Act 1960, clause no.73. (3)
- 2) The letter submitted to Registrar and Indemnity Bond as per from M-20 signed by all members of society regarding selection of Managing Committee as per Maharashtra Co-Op Society Act 1960, clause no.73 (1) (an) and 1961 Act clause no.58 (a)
- 3) City Survey Plan & P.R. Cards certified by S.L.S. if available.
- 4) Certificate of amalgamation of two societies, obtained from deputy registrar, MHADA.

The PIO by his letter dated 04.08.2008 informed the appellant that the information is vague and doubtful and she should correspond in Marathi to facilitate easy and speedy disposal. There is nothing on record to show that the First Appellate Authority has passed any orders. Hence this second appeal.

The appeal was heard on 16.02.2009. Appellant and respondent were present. I have gone through the case papers. There is nothing vague about the information sought. In fact MAHADA has notified that application for redevelopment will not be entertained if certain documents are not submitted. The points on which information has been sought are from the prescribed check list. MHADA has already received this

proposal and the appellant wanted to know what information has been submitted by the society. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished within 15 days. under intimation to the commission.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 17.02.2009



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1914/02

**Shri. Abdul Gafur Hunshal  
Shri Mahavir Prasad Saini,  
Hotel President, Maharashtra Nagar,  
Bandra (E), Mumbai – 400 051.**

... **Appellant**

V/s

**First Appellate Officer cum Engineering Division  
SRA, Grihanirman Bhavan, 5<sup>th</sup> Floor,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Chief Executive Officer,  
SRA, Grihanirman Bhavan, 5<sup>th</sup> Floor,  
Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information on 27 points relating to redevelopment of Maharashtra Nagar / Ambedkar Nagar CTS no 621. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the commission. The appeal was heard on 16.02.2009. The appellant was present. The respondent remained absent. I have gone through the case papers and also considered the arguments advanced by the appellant. I have come to the conclusion that the information must be furnished. I therefore pass the following order.

### **Order**

The appeal is allowed. Information to be furnished within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 17.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1915/02**

**Shri Mahavir Prasad Saini,  
Hotel President, Maharashtra Nagar,  
Bandra (E), Mumbai – 400 051.**

**... Appellant**

**V/s**

**First Appellate Officer cum Administrative Division,  
SRA, Grihanirman Bhavan, 5<sup>th</sup> Floor,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Engineering Division,  
SRA, Grihanirman Bhavan, 5<sup>th</sup> Floor,  
Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought copies of circular no. 15, 19, 32 and 39 mentioned in the Guideline issued by the Slum Rehabilitation Authority for general information. Not satisfied with responses from the Public Information officer and the First Appellate Authority, the appellant has come in second appeal before the commission. The appeal was heard on 16.02.2009. Appellant and respondent were present. After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that the information must be furnished. I therefore pass the following order.

### **Order**

The appeal is allowed. Information to be furnished within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 17.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1736/02**

**Mr. Seeril Peter D'soza  
Good luck Chawl, Room No.18,  
Near Sai Sankalp Building,  
Opp. BMC Colony, Malvani Block No.3,  
Malad (E), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked information on 14 points relating to Kanyapada, Gen. Arun Kumar Vaidya Marg, Malad (E), Mumbai.

The Public Information officer by his letter dated 20.05.2008 informed the appellant that in view of the vastness of the information sought he was requested to inspect the relevant file and obtain copies of selected documents. The appellant was not satisfied and preferred the first appeal. The First Appellate Authority by his order dated 01.09.2008 has virtually confirmed the PIO's order and hence this appeal. The appeal was fixed for hearing on 21.01.2009. Neither the appellant nor the respondent turned up. The appeal is decided on merits.

I have gone through the case papers. It is true that information sought is too broad. Although there is no rule which restricts the points on which information can be sought, it is wise to be precise. The advice given by the PIO is perfectly in order. The appellant should take inspection of relevant documents and select the ones he needs. The PIO will furnish copies of the selected documents. I see no reason to interfere and the

orders passed by the PIO and the First Appellate Authority are fair. I see no reason to initiate action against them. I decide to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1836/02**

**Shri.Abhijit Subhash Agre,  
T.P.Khotal, 'Savali', 88/25,  
Near Adity Bakery, Gujrat Colony,  
Kothrud, Pune – 38.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy Secretary,  
Medical Education & Drugs Division  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Registrar,  
Maharashtra Council of Medicine,  
4<sup>th</sup> Floor, 144, Mahatma Gandhi Road,  
Fort, Mumbai – 400 023**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding action taken by the State Govt. on letter dated 16.01.2004 written by Hon Sushma Swaraj to all Chief Ministers to involve doctors from the Indian system of medicine in National Programmes to achieve health for all. The appellant has sought information on the following points: -

- A) In relation to this what decisions was made by government?
- B) What action was taken and changes was made in the rules to involve ISM practitioners like ayurved graduate and postgraduate of respected subject in National Health programs?
- C) If no any action was taken, no any decision was made, no changes was made to involve them, why not? Reason for that.
- D) If no any changes was made regarding this how much more time required for the same?
- E) If the changes was made or new rule was been formed for it what type of changes was been made or what rule was formed for there involvement in National Health Programs?
- F) Was the changes implemented by government?

G) Was the ISM practitioners allowed to do practice under national health programs like nation blindness control program?

Not satisfied with response from the Public Information Officer and the First Appellate Authority the appellant has come in second appeal before the commission. The appeal was heard on 09.02.2009. The appellant did not turn up. The respondents were present. It appears from the case papers that no serious attempt has been made to furnish the information. The application was sent to the Maharashtra Council of Indian Medicine which rightly returned to the govt. Policy decisions are taken by govt. and not by the council. This reveals lack of application mind. I am of the view that the issue being very important information must be furnished. The commission is not concerned with what decision has been taken but is mandated to secure information for information seekers I therefore pass the following order.

**Order**

The appeal is allowed. Appellant to furnish information within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1869/02**

**Shri.Vijay Chauhan  
2 A, Sun & See Apt.,  
Near Royal Len, Juhutara Road,  
Santacruz (W), Mumbai – 400 049.**

**... Appellant**

**V/s**

**First Appellate Officer cum Collector,  
MMRDA Premises, 1<sup>st</sup> Floor,  
Bandra-Kurla Complex,  
Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Stamps Officer,  
MMRDA Premises, 1<sup>st</sup> Floor,  
Bandra-Kurla Complex,  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for information regarding his complaint against Mr. S.N. Sodhavi for evasion of stamp duty amounting to Rs.1, 27, 740/-. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has preferred this second appeal. The appeal was heard on 10.02.2009. Appellant and respondent were present. The issue is pending before the collector of stamps. As agreed by both the parties, the case should be decided within 90 days and appellant information accordingly.

**Order**

The appeal is allowed. The PIO to furnish information after the case is decided. The time limit agreed is 90 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1892/02**

**Shri. D.M. Jadhav  
A-702, Blue Bell Center Avenue,  
Hiranandani Garden, Pawai,  
Mumbai – 400 076.**

**... Appellant**

**V/s**

**First Appellate Officer,  
GAD (22-A), Mantralaya,  
Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
GAD (22-A), Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant as a govt. servant was allotted a requisitioned accommodation. In accordance with the High Court's order these requisitioned accommodation had to be vacated and govt. allotted alternative accommodation to the appellant. Govt's stand has been that the alternative accommodation is a service quarter which has to be vacated after retirement. The appellant disputes this and is ready to buy the accommodation allotted to him. The information has been sought in this connection. The appeal was heard on 12.02.2009. Appellant and respondent were present. The respondent has submitted that there was no scheme of transferring service quarter in the name of the allottee. It has been brought to the commission's notice that the claim has been dismissed by the Hon High Court, Mumbai. Under these circumstances I am of the view that the appellant is well informed and I am constrained to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 17.02.2009



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1907/02

**Shri. Sanjay Gangaram Pawar  
Hanuman Mitra Mandal, Parel,  
Amba Chawl Wadi, Jahangir Merwangi Path,  
Parel, Mumbai – 400 012.**

... **Appellant**

V/s

**First Appellate Officer cum Under Secretary,  
Housing Development Dept.,  
Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,  
Housing Development Dept.,  
Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his complaint dated 13.05.2008 and the petition filed on behalf of Amba chawl Wadi Rahewasi Seva Sangh for cancelling the registration of Maharashtra Cooperative Housing Society Ltd. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the commission. The appeal was heard 16.02.2009. Appellant and respondent were present. The appellant has brought to the commissions notice that they have approached the High Power committee but his case has not yet been decided. The appellant also informs me that he had approached the Hon High Court but his writ petition was rejected on the ground that the High Power Committee is already seized with the matter. Under these circumstances I am constrained to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 17.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1922/02

**Shri. Chandu Tulsidas Pahuja**  
C/603, Atlanta Co.Op.Hsg.Soc. Ltd,  
Evershinenagar, Malad Marve Link Road,  
Valani Village, Malad (W),  
Mumbai – 400 064.

... **Appellant**

V/s

**First Appellate Officer cum Dy. Registrar,**  
Cooperative Societies, “P” Ward,  
Malhotra House, 6<sup>th</sup> Floor, Opp. GPO,  
Fort, Mumbai - 400 001.

... **Respondent**

**Public Information Officer cum Secretary**  
Atlanta Co.Op.Hsg.Soc. Ltd,  
Evershinenagar, Malad Marve Link Road,  
Valani Village, Malad (W),  
Mumbai – 400 064.

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had requested for certified copies of M 20 Bonds executed by the Managing Committee of Atlanta cooperative Housing Society for the period 2002–2005. Not satisfied with responses from the Public Information officer and the First Appellate Authority, the appellant has preferred this second appeal before the commission. The appeal was heard on 17.02.2009. Appellant and respondent were present. The appellant has reiterated that he has not been furnished the required information. The respondent submitted that information has been obtained and furnished under his letter dated 05.01.2009. The appellant denied by saying that it was not in response to his application under RTI. The respondent showed to me the letter which clearly says that the information was being sent with reference to the RTI Act. Under these circumstances I have no way but conclude to inter that the information has been furnished. I pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 17.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1808/02**

**Shri. Madhukar Yashvant Kukade  
Bosnagar, Tumsir, District. Bhandara.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Secretary,  
PWD, Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary  
PWD, Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding unauthorized absence of Shri. K.K. Agrawal for 990 days. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has preferred this second appeal before the commission. The appeal was heard on 20.02.2009 (Video Conference). The appellant did not turn up. The respondents were present. They have submitted their say in writing. They have contended that they informed the appellant that Mr. Agrawal's case was being processed in consultation with the Finance Dept. They also informed the commission that the case has since been finalized and Shri. Agrawal's absence has been regularized. They have submitted a copy of the Department's letter dated 20.09.2008. In the light this discussion I have come to the conclusion that appellant must be given the latest information about the case. It is not enough to inform the commission. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be given to the appellant free of cost within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 20.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1807/02

**Shri. Vinayak Yashvant Dakhare**  
**Finance Department,**  
**Zilla Parishad, Yavatmal.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Secretary,**  
**School Education & Sport Department,**  
**Mantralaya, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer cum Under Secretary**  
**School Education & Sport Department,**  
**Mantralaya, Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. He had sought information whether his services in an aided junior College can be counted along with his govt. service. Not satisfied with responses from the Public Information Officer and the First Appellant Authority he has preferred this second appeal before the commission. The appeal was fixed for hearing on 20.02.2009. The appellant however his letter dated 04.02.2009 has information the commission that he has received the information and does not want to proceed with his appeal. The request is granted.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 20.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1813/02**

**Smt. Shakuntalabai V. Parshuram Bhosle  
Near Railway Gate No.44, Babupeth Ward No.2,  
Chandrapur, Dist. Chandrapur.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Revenue & Forest Department,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
Revenue & Forest Department,  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information: -

- 1) Letter no Zamin 5105/Pra-Kra-69/J8/ Revenue and Forest Department, Mumbai was issued by whose order and copy of the same
- 2) Have papers been received from Divisional Commissioner Nagapur and whether the proceedings are on.
- 3) The appellant had filed caveat so how was the experts order passed.

Not satisfied by the responses from the Public Information officer and the First Appellate Authority the appellant has come in second appeal before the commission. The hearing was fixed on 20.02.2009 (through video conferencing). The appellant did not turn up. Respondents were present. They have given their say in writing. I am not impressed. They have tried to explain that the appellant had asked queries which do not fall within the definition of information. This is not correct. The information is very much available in material form on their record. The Divisional Commissioner passed his order dated 31.12.2004 cancelling the lease in favour of Shri Inshwer Das Hiralal Nathani Shri Nathani rushed to the Govt. and obtained stay which was communicated by R & F D's letter dated 13.10.2005. The appellant claims to have filed a caveat and if it is so, then it is more serious. The stay has been granted ex parte which is contrary to numerous judgments passed by Hon. High Court that stay should not be granted without hearing the other party. In this case the stay was granted in 2005 and the commission is hearing appeal under RTI in 2009. My query regarding the latest position has given a disturbing reply it is still pending.

This goes against the Principle of natural justice. In any case the appellant is entitled to have information on the points she has raised. I therefore set aside the order of

the First Appellate Authority and the Public Information and order that the information sought must be provided. I pass the following order.

**Order**

The appeal is allowed. Information to be furnished within 30 days failing which action under section 20 of the RTI Act will be initiated.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 20.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1812/02

**Shri. Deepak Mahadeorao Vankhede,  
Sainagar, Daryapur, Dist. Amravati.**

... **Appellant**

V/s

**First Appellate Officer cum Chief Executive Officer,  
Maharashtra State Khadi & Gramodyog Board,  
19/21, Manohardas Road, Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum District Gramodyog Officer,  
Maharashtra State Khadi & Gramodyog Board,  
19/21, Manohardas Road, Fort, Mumbai – 400 001**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked copies of annual increment certificate in respect of Shri Shekhardatta Shetye. The information was denied being personal. The appellant has preferred this second appeal against this order. The hearing was fixed on 20.02.2009 (through video conference). The appellant did not turn up. The respondent was present. They have submitted that the information has since been furnished. In view of this I decide to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 20.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1928/02**

**Shri. Mangesh Mane  
B.D.D Chawl No.99, Room No.55,  
Worli, Mumbai – 400 018.**

... **Appellant**

**V/s**

**First Appellate Officer,  
Department of Archives,  
1<sup>st</sup> Floor, Elphinstone Bidg,  
Mumbai.**

... **Respondent**

**Public Information Officer,  
Department of Archives,  
1<sup>st</sup> Floor, Elphinstone Bidg,  
Mumbai.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding organization function, recruitment of staff and other related issues. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this second appeal before the commission. The appeal was heard on 17.02.2009. The appellant did not turn up. The respondent was present. In his written submission he has stated that the information sought is complex and volumous. He has also stated that he was not able to understand the precise information expected by the appellant. It has also been stated by him that the appellant was requested to visit his office and inspect the relevant document and copies of the selected document would be furnished. I think it is fair response. It is true that one finds it difficult to understand the diverse and complex nature of the information sought. Under these circumstances the response of the appellate authority is in order. The appellant may visit his office, inspect the documents and ask for copies of selected documents. I pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 20.02.2009



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/1758/02

**Mr. Mahendra Janardhan Chawan**  
85/2, Chalke Chawl, Tadwadi, Swadeshi Mill RD,  
Sion Chunabhatti, Mumbai – 400 022.

... **Appellant**

V/s

**First Appellate Officer cum Chief Officer,**  
**Municipal Corporation, General Administrative Dept.**  
**6<sup>th</sup> Floor, Mahapalika Marg, Fort, Mumbai – 400 001.**

... **Respondent**

**Public Information Officer cum Joint Chief Employ Officer,**  
**Municipal Corporation, General Administrative Dept.**  
**6<sup>th</sup> Floor, Mahapalika Marg, Fort, Mumbai – 400 001.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding recruitment, functioning, duties and responsibilities of various offices in MCGM. Not satisfied with responses from the Public Information Officer and the first information officer the appellant has preferred the second appeal before the commission.

The appeal was heard on 20.01.2009. Appellant and respondent were present. The respondent has made his submission that the appellant had promised to collect the information but never turned up. I would therefore direct that the appellant may kindly get in touch with the respondent and collect the information. The appellant must be informed in writing to collect the information. The information should be furnished within 30 days.

In the light of the above discussion I close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 25.02.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/1961/02

Mr. Macchindra N. Karalkar  
Hazarabhai House, Room No.5,  
Irla Society Road,  
Vile Parle (W), Mumbai – 400 056.

... Appellant

V/s

First Appellate Officer,  
Jt. Co. Mumbai Board, MHADA Bldg,  
Bandra (E), Mumbai – 400 051.

... Respondent

Public Information Officer cum Assit Land Manager,  
Borivali Division, MHADA Mumbai Board,  
MHADA Bldg, Bandra (E), Mumbai – 400 051.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information relating to Motilal Nagar No.1, 2, 3 Goregaon (West), Mumbai. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has come in second appeal before the commission. The case was heard on 24.02.2009. Appellant did not turn up. The respondents were present. I have gone through the case papers and come to the conclusion that information must be furnished. I therefore pass the following order.

### Order

The appeal is allowed. Information to be furnished within 30 days.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 25.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/1947/02**

**Mr. Sakharam Anand Maladkar  
H.I.G. 1/1, Konkan Housing Board Colony,  
Kalyan (W), Opp. Birla College,  
District – Thane.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Technical Education,  
Maharashtra State, 3 Mahapalika Marg,  
Post Box No. 1967, Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Director,  
Technical Education,  
Maharashtra State, 3 Mahapalika Marg,  
Post Box No. 1967, Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding transfer application of Mrs. Sayali S. Khobarekar from Ratnagiri to Thane. Not satisfied with responses from the PIO and the First Appellate Authority the appellant preferred this second appeal before the commission. The appeal was fixed for hearing on 24.02.2009. In the meantime the appellant by his letter dated 20.02.2009 has informed the commission that he had received the information and does not want to proceed with the appeal. The request is granted.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 25.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/1969/02**

**Mr. Vasant Nagoji Kurhade  
13/16-18 BDD Chawl,  
Naam Joshi Marg, Mumbai – 400 013.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Office of the Chief Minister,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Director,  
Office of the Chief Minister,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his letter dated 24.06.2008 had complained to the Hon Chief Minister, Maharashtra against Shahakar Maharsi Dattajirao Kadam Sahakari Mills Ltd for not returning the deposit of Rs.2, 35, 000/- made by Samangarh Sahakari Patpedhi Ltd. Mumbai. The appellant was not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal. The appeal was heard on 26.02.2009. The appellant was present but the respondent was absent. I have gone through the case papers. There are two letters on record dated 18.10.2009 and 10.11.2008 communicating to the appellant that his application has been sent to Principal Secretary, Cooperation and textile and he should get in touch with him. These replies do not seem to be in response to his application under Right to Information Act. The fact however, remains that the application has been sent to the person who is dealing with the file and the appellant has been informed accordingly. I therefore decide to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.02.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2008/1966/02

**Mr. Jagnarayan M. Kahar**  
**C.I.T.U, Andheri Central,**  
**Bhaktawar Building, Andheri (E),**  
**Mumbai – 400 058.**

... **Appellant**

V/s

**First Appellate Officer cum Chief Transport Manager,**  
**Municipal Electricity Supply & Transport Officer,**  
**Administrative Officer, 2<sup>nd</sup> Floor,**  
**Wadala Best Agar, Tilak Nagar,**  
**Wadala, Mumbai – 400 031.**

... **Respondent**

**Public Information Officer cum Senior Administrative Officer,**  
**BEST, BEST Bhavan, Kulaba, Mumbai – 400 001.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked details of compensatory leave granted to employees in different depots of BEST from 15.04.2008. The appellant was not satisfied with the information given by the Public Information officer. He preferred the first appeal. The First Appellate Authority passed his order dated 18.08.2008. The appellant represented that this order was passed without hearing him. He was given reply by the appellate authority by his letter dated 03.10.2008. The second appeal was heard on 25.02.2009. The appellant was present. Respondents were absent. The main contention of the appellant is that the first appeal was decided without hearing him. The reply given to him points out that there is no provision to give hearing during the first appeal. This is not tenable. Principle of natural justice requires that you must hear the person before passing any order. This need not form a part of the statute more so when the appellant wants to be heard. I therefore pass the following order.

### **Order**

The order passed by the First Appellate Authority is set aside. The appellant should be heard and his appeal disposed off according to law. This should be done in 45 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/1925/02**

**Mr. Satishchandra B. Kumar  
EMP10/103, 1<sup>st</sup> Floor,  
Evershine Millennium Paradise,  
Thakur Village, Kandivali (E),  
Mumbai – 400 101.**

... **Appellant**

V/s

**First Appellate Officer,  
University of Mumbai Room No.107,  
1<sup>st</sup> Floor, Mumbai – 400 032.**

... **Respondent**

**Public Information Officer,  
University of Mumbai Room No.107,  
1<sup>st</sup> Floor, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had written 3 letters to the Vice Chancellor regarding award of Prashasti Patras to teachers on the foundation day on 18.07.2007. The Public Information Officer did not furnish the information. The appellant preferred appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 19.09.2008 directed the PIO to furnish the information. The appellant did not receive the information. Hence this appeal. The appeal was heard on 17.02.2009. Appellant and respondent were present. After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information sought by the appellant must be provided. The PIO also needs to explain his conduct. I therefore pass the following order.

**Order**

The appeal is allowed. PIO to furnish the information within 30 days. He should also show cause why action under section 20 of the RTI should not be taken against him.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/1982/02**

**Prof. Patankar Nisarali Muhammad  
2/204 Aghadi Nagar, Andheri (E),  
Mumbai 400 093.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary  
Khairul Islam Higher Education Society's,  
Maharashtra College of Arts, Science and Commerce. 2,  
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

... **Respondent**

**Public Information Officer cum Principal  
Khairul Islam Higher Education Society's,  
Maharashtra College of Arts, Science and Commerce. 2,  
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information News papers Indian Express dated 02.07.2008 carried out an advertisement of Maharashtra College. Required attested copies of (1) The application by MHC to Mumbai University Joint Director seeking permission to publish this advertisement (2) No objection certificate / letter received by MHC in response to the application. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal. The appeal was heard on 26.02.2009. Appellant and respondent were present. After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that the information must be furnished. I therefore pass the following order

**Order**

The appeal is allowed. Information to be furnished within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1918/02**

**Mr. Seeril Peter D'soza  
Good luck Chawl, Room No.18,  
Near Sai Sankalp Building,  
Opp. BMC Colony, Malvani Block No.3,  
Malad (E), Mumbai – 400 095.**

... **Appellant**

V/s

**First Appellate Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Chief Executive Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant by his application dated 25.07.2008 had sought information relating to Mahakali Nagar Cooperative Housing Society at CTS No.2841 (Part). Not satisfied with responses received from the Public Information officer and the First Appellate Authority, the appellant has come in second appeal before the commission. The appeal was heard on 17.02.2009. The appellant did not turn up. The respondent was present. I have gone through the case papers and come to the conclusion that the information sought must be provided. I therefore pass the following order.

**Order**

The appeal is allowed. The PIO to furnish information within 30 days failing which action under section 20 of the RTI will be initiated against him.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.02.2009



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1917/02**

**Mr. Sachin Kisan Nayak  
B-81, Room No.3, Gangakunj,  
Opp. Yashodham School,  
Tashodham Sankul, Goregaon (W),  
Mumbai – 400 063.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assist. Commissioner,  
Municipal Corporation, P/North Ward Officer,  
Mithanagar, Municipal School Building,  
Goregaon (W), Mumbai – 400 068.**

**... Respondent**

**Public Information Officer,  
Municipal Corporation, P/North Ward Officer,  
Mithanagar, Municipal School Building,  
Goregaon (W), Mumbai – 400 068.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information / inspection relating to tenement at Goregaon, Mumbai. The appellant was not satisfied with responses from the PIO and the First Appellate Authority and hence this appeal. The appeal was heard on 17.02.2009. Appellant and respondent were present. The appellant has contented that he has been given incomplete information. The respondent contended that the appellant was offered inspection of the relevant file. The appellant was asked to explain what precise information was required by him. He has given in writing the information required by him. I therefore pass the following order.

**Order**

The appeal is partially allowed. The PIO to furnish information as per the appellant's clarification in writing dated 17.02.2009. The information to be furnished within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1920/02**

**Mr. Manoj M. Karande  
1, Jyostna Prakash, 1<sup>st</sup> Floor,  
Opp. Syndicate Bank, Near Rly Station,  
Goregaon (E), Mumbai – 400 063.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Chief Engineer,  
Municipal Corporation, K/West Ward Officer,  
1<sup>st</sup> Floor, R.K.Patkar Marg,  
Bandra (W), Mumbai – 400 050.**

... **Respondent**

**Public Information Officer cum Executive Engineer,  
Municipal Corporation, K/West Ward Officer,  
1<sup>st</sup> Floor, R.K.Patkar Marg,  
Bandra (W), Mumbai – 400 050.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding redevelopment Project at CTS No.195 part survey No.106 A, D N Nagar, K-3/K-4 Cooperative Housing Society J.P.Road, Andheri (W), Mumbai. Not satisfied with the responses received from the Public Information Officer and the first Appellate Authority, the appellant has preferred this second appeal. The appeal was heard on 17.02.2009. Appellant and respondent were present. The appellant has contended that the PIO as well the First Appellate Authority have asked him to inspect the relevant file rather than furnishing the information sought by him. It is revealed from case papers that the appellant had sought information on 12 points. The information sought is not vague. I am therefore of the view that the information must be furnished. I therefore pass the following order.

**Order**

The appeal is allowed. The information sought must be furnished within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/1981/02**

**Prof. Patankar Nisarali Muhammad  
2/204 Aghadi Nagar, Andheri (E),  
Mumbai 400 093.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary  
Khairul Islam Higher Education Society's,  
Maharashtra College of Arts, Science and Commerce. 2,  
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

... **Respondent**

**Public Information Officer cum Principal  
Khairul Islam Higher Education Society's,  
Maharashtra College of Arts, Science and Commerce. 2,  
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information News papers Indian Express dated 02.07.2008 carried out an advertisement of Maharashtra College. Required attested copies of (1) The application by MHC to Mumbai University, Joint Director seeking permission to publish this advertisement (2) No objection certificate / letter received by MHC in response to the application. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal. The appeal was heard on 26.02.2009. Appellant and respondent were present. After going through the case papers and considering the arguments advanced by parties, I have come to the conclusion that the information must be furnished. I therefore pass the following order

**Order**

The appeal is allowed. Information to be furnished within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/1891/02**

**Shri. Vasant Bapuji Surve  
Flat No.11, Room No B 18,  
Radhesham CHS, MHADA Colony,  
Mulund (E), Mumbai – 400 081.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Rationing “E”, Ward, Chanchal Smurti,  
1<sup>st</sup> Floor, G.D. Ambedkar Marg,  
Wadala, Mumbai – 400 031.**

**... Respondent**

**Public Information Officer,  
Rationing Office No.35 E,  
Dr. Sarojini Naydu Rd,  
Mulund (W), Mumbai – 400 080.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for copies of documents which formed the basis for issuance of ration card no 608784 in favour of Mr. Rayan Anthani. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 12.02.2009. Appellant and respondent were present. The main contention of the appellant seems to be that the ration card no 608784 bears the address of the appellant. He has raised the issue that Mr. Anthani's Election card shows his address at Kurla so how can he be issued a card with appellant's address at Mulund. The rationing officer Mulund states that (letter dated 13.08.2008) although the appellant claims to be in possession of the property, Shri Anthani is actually staying there. It seems to be a case of dispute about the property. The rationing officer has clarified that address on the ration card is no proof of ownership.

After going through the case papers and considering the argument advanced by parties I have come to the conclusion that the matter has been sufficiently clarified. The PIO and the First Appellate Authority have stated that documents asked for were not available on their record. The appellant may take up the issue with the Food and Civil Supply Department if he feels that the ration card was wrongly issued and it should be cancelled. The commission is not mandated to provide relief in such cases.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 26.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/1921/02**

**Shri. Pradeep Sinh Thakur  
Lalaji Sinh Chawl, Khotwadi,  
P.M.Rd, Santacruz (W), Mumbai – 400 054.**

**... Appellant**

**V/s**

**First Appellate Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer cum Chief Executive Officer,  
SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding status of TPS Final plot No 106 whether it is a declared slum or a “Censused one”. The appellant has contented that SRA scheme cannot be sanctioned without the plot being declared a slum or a censused slum. The MCGM has prepared annexure II and SRA has also sanctioned redevelopment. The appellant feels that the redevelopment is not in order. The Public Information Officer SRA informed the appellant by his letter dated 24.07.2008. The appellant was not satisfied. He preferred the first appeal. The first Appellate Authority informed the appellant the area has been certified as slum by the competent authority as mentioned in annexure II. The appellant is not satisfied and hence this second appeal. The appeal was heard on 17.02.2009. Appellant and respondent were present. The appellant main contention is that his real question has not been addressed. The respondent has made his written submission where in he has stated that the information available on record has been furnished I have gone through the file and case papers on record. It appears that the appellant is of the view that the area has not been declared a slum and SRA scheme should not be sanctioned. The SRA seems to have gone ahead on the basis of communication from the MCGM. The commission is mandated to facilitate furnishing of available information. The same seems to have been done in this case. The appellant will have to draw his own inferences and the same can be tested at the level of the appropriate competent authority. Under these circumstances I come to the conclusion that the available information stands furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 20.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/1916/02**

**Shri. Vijay K. Chauhan  
2A, Sun & Sea Apartments,  
Near Royal Lane, Juhutara Rd,  
Santacruz (W), Mumbai – 400 049.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary  
Cooperation, Textile Department,  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer cum Desk Officer,  
Cooperation, Textile Department,  
Mantralaya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information in a format attached to his application. The appellant was not satisfied with responses from the Public Information Officer or the First Appellate Authority. Hence this appeal. The appeal was heard on 16.02.2009. The appellant did not turn up. Respondents were present. Respondents have made written submission. They enclosed copies of the information furnished to the appellant. It is true that the information is not in the form prescribed / desired by the appellant. That probably was not possible taking into account the scope and dimensions of the information sought by the appellant. Section 7(9) of the RTI Act clearly says that information should be furnished in the form in which it is sought unless this would lead to disproportionate expenditure of time and resources of the public authority. Taking into account the form prescribed by the appellant, its range and diversity I am of the view that the case fits into section 7(9). Available information has already been furnished. I pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 28.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2008/1840/02**

**Shri. Chandrakant Kondiba Prabhale  
Chunawala 42/6, Sainath Chowk,  
Behind Sarveshwar Mandir,  
Kurla (W), Mumbai – 400 070.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assit. Commissioner  
Municipal Corporation, “L” Division,  
1<sup>st</sup> Floor, Laxmanrao Yadav Building,  
Barve Marg, Kurla (W), Mumbai – 400 070.**

**... Respondent**

**Public Information Officer cum Assit. Engineer,  
Municipal Corporation, “L” Division,  
1<sup>st</sup> Floor, Laxmanrao Yadav Building,  
Barve Marg, Kurla (W), Mumbai – 400 070.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for certified copies of papers relating to unauthorized construction by Shri. Kachchi Visa Oswal Jain Samaj Kurla (W). The Public Information Officer by his letter dated 16.05.2008 informed him that the information can be made available on payment of necessary fee. The appellant preferred the first appeal. The appellate authority by his order dated 15.07.2008 directed the PIO to charge the appellant @ Rs.2/- per page and furnish the information. Since the appellant did not get the information, he has filed this second appeal before the commission. The appeal was fixed for hearing on 09.02.2009. I have gone the case papers. It is seen that the PIO has not furnished the information required by the appellant. His communication is vague. He should have specified the amount the appellant was expected to deposit. There is a copy of challan dated 25.05.2008. It is not clear whether this amount was deposited or not. It does not bear the stamp of receipt. The appellant authority has ordered the appellant to charge Rs.2/- per page. The information till the filing of the second appeal does not seem to have been provided. Under these circumstances I pass the following order.

**Order**

The appeal is allowed. The PIO to verify whether necessary fee has been deposited. If not he should ask the appellant to deposit the amount as directed by the First Appellate Authority. The information should be furnished within 15 days. The PIO to show cause why action against him should not be taken for not furnishing the information and the correct amount to be deposited by the appellant.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 28.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1329/02**

**Shri. Sayed Arshad Ali  
Moin Villa, CTS No.853,  
Flat No.301, New Hall Rd,  
Kurla (W), Mumbai – 400 070.**

**... Appellant**

**V/s**

**First Appellate Officer cum Charity Commissioner,  
Dr, Annie Bezzant Rd, Worli,  
Mumbai – 400 025.**

**... Respondent**

**Public Information Officer,  
Charity Commissioner, Worli,  
Municipal Division, Mumbai – 400 018.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding station road Masjid Trust PTR No B 367 (B) and (2) Haji Abdul Rahim Sadariyawala Trust PTR No B 369 (B). He has received information relating to the first one but information relating to the second one was not furnished to him. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 01.12.2008.

The appellant did not turn up but the respondent was present. The appellant has contended that information regarding Haji Abdul Pahim Sadariyawala trust has not been furnished. In his application to the Public Information office and the First Appellate Authority he has stated that schedule I of the trust has to be written with the help of the existing file but same is not being done. Respondent contention is that the record is in a fragile condition. The PIO in his letter dated 03.12.2007 states that information was being collected.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the information sought by the appellant must be furnished. It is hoped that the work of collection of information should be over by now.



The compiled information must be furnished to the appellant. I therefore pass the following order.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30` days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1037/02**

**Shri. Mohammad Shaikh  
51, April Shower, Room No.301,  
Sauter Street, Byculla, Mumbai – 400 008.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dist. Dy. Registrar  
Cooperative Board, Mumbai (1) City, Mumbai,  
Malhotra House, 6<sup>th</sup> Floor, Opp. GPO,  
Mumbai – 400 001.**

**... Respondent**

**Public Information Officer cum Assist. Registrar,  
Cooperative Board, “E” Division, Mumbai,  
Malhotra House, 6<sup>th</sup> Floor, Opp. GPO,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding action taken on his complaint against the Managing Committee of Afzal Cooperative Housing Society, Dr. AB Nair Rd, Mumbai – 400 008. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this second appeal before the commission. The appeal was heard on 17.12.2008.

The appellant has contended that since no action was taken on his complaint he had to resort to various litigations. He also informed the commission that during the pendency of the second appeal the respondent has taken action against the society and an administrator has been appointed. He has requested the commission to take a lenient view in light of the subsequent action by the respondent.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information has been furnished. The respondent, however, is warned that he must furnish information in time. Failure to do so will land him in difficulty and action under section 20 of the RTI can be initiated against him.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1261/02**

**Shri. J.N. Sandanshiv  
1/1, Zakir Manzil, Ananad Nagar,  
Opp.Saaz Cinema,  
Sardar Pratap Singh Marg,  
Bhandup (W), Mumbai – 400 078.**

... **Appellant**

V/s

**First Appellate Officer cum Nivasi Dy. Collector  
Administrative Building, 10<sup>th</sup> Floor,  
Govt. Colony, Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Add. Secretary  
Administrative Building, 10<sup>th</sup> Floor,  
Govt. Colony, Bandra (E), Mumbai – 400 051.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to lands allotted under Post War Rehabilitation No 219. He has sought information on 12 points seeking information on terms and conditions of allotment, lands allotted to backward cooperative housing societies under the scheme, their chief promoters, list of members details of societies of open category, fee received on account of transfer of tenements etc.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 07.01.2009. Appellant and respondents were present.

The appellant has contended that lands under the scheme was allotted on certain terms and conditions. According to him, there have been violations of terms and condition resulting in loss of govt revenue. He is not convinced by the argument that the collector office is not dealing with the subject.

The respondent's contention is that the scheme is now handled by social welfare Department. He has also stated that they do have the list of allottees from open category but details of membership, transfer etc are not available. He has however offered inspection of relevant file and copies of selected documents can be obtained.

After going through the case papers and considering the arguments advanced by parties it is revealed that although the appellant has sought information in general, he seems more interested in affairs of Vimochit Samaj Sahakari Cooperative Housing Society. Again the scheme may be with the social welfare deptt but Violations of terms

and conditions of allotment is always with collector. The good point is that the respondent has offered inspection of file on the subject.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days. The appellant should be invited to inspect relevant files and furnished copies of those selected by the appellant.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1889/02**

**Shri. Abdul Gafur Hunshal,  
Hotel President, Maharashtra Nagar,  
Bandra (E), Mumbai – 400 051.**

**... Appellant**

**V/s**

**First Appellate Officer  
SRA, Grihanirman Bhavan,  
5<sup>th</sup> Floor, MHADA,  
Bandra (E), Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
SRA, Grihanirman Bhavan,  
5<sup>th</sup> Floor, MHADA,  
Bandra (E), Mumbai – 400 051.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding chief promoter, officials and members of proposed societies to be developed under slum rehabilitation scheme.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.02.2009. Appellant and respondents were present.

The appellant has contended that they have not been provided with the required information.

The respondent's contention is that they are willing furnish the information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that information must be furnished. I therefore pass the following order.

### **Order**

The appeal is allowed. Information to be furnished by PIO within 15 days, failing which action under section 20 of the RTI Act will be initiated.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1909/02

**Mr. Mohammad Hanif Shaikh**  
**3 Kotiyan House, Shaikh Zakeria Chawl,**  
**Azad Rd, Andheri (E), Mumbai – 400 069.**

... **Appellant**

V/s

**First Appellate Officer cum Secretary,**  
**SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Assist. Engineer,**  
**Cooperative Board, SRA, 5<sup>th</sup> Floor, Grihanirman Bhavan,**  
**Bandra (E), Mumbai – 400 051.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the list of allottees of tenements in Ekta Cooperative Housing Society, Plot No 216, Gilbert hill Road, Andheri (W), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 16.02.2009. Appellant was present but the respondent was absent.

The appellant has contended that the Public Information officer did not furnish the information. The First Appellate Authority did not hear the first appeal. Since the respondent chose to remain absent, I am constrained to pass the following order.

### Order

The appeal is allowed. Information to be furnished by PIO within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1662/02**

**Prof. Patankar Nisarali Muhammad  
2/204 Aghadi Nagar, Andheri (E),  
Mumbai 400 093.**

**... Appellant**

**V/s**

**First Appellate Officer cum Secretary  
Khairul Islam Higher Education Society's,  
Maharashtra College of Arts, Science and Commerce. 2,  
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

**... Respondent**

**Public Information Officer cum Principal  
Khairul Islam Higher Education Society's,  
Maharashtra College of Arts, Science and Commerce. 2,  
Prince Court, 53/c, Clare Rd, Byculla, Mumbai 400 008.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to Principal Mr.Shakil Hurzuk:

- 1) Details about residential address as per office record.
- 2) Details of salary drawn during 197561992
- 3) Date of his marriage
- 4) Institutions he has served earlier.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 15.01.2009. Appellant was present but the respondent was absent.

It is revealed from the case papers that the required information has been furnished except the date of marriage which in any case is personal information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1501/02

Mr. Mahendra Janardhan Chawan  
85/2, Chalke Chawl, Tadwadi, Swadeshi Mill RD,  
Sion Chunabhatti, Mumbai – 400 022.

... Appellant

V/s

First Appellate Officer,  
Maharashtra State Human Right Commission,  
9, Hajarimal Somani Marg,  
Opp. CST, Mumbai – 400 001.

... Respondent

Public Information Officer,  
Maharashtra State Human Right Commission,  
9, Hajarimal Somani Marg,  
Opp. CST, Mumbai – 400 001.

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding organization, functions and duties of Human Rights Commission, the method of recruitment of staff, no of illegal recruitment made, details of staff and efforts made to demonstrate transparency in the working.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.12.2009. Appellant and respondents were present.

The appellant has contended that he has not been provided complete information.

The respondent's contention is that they have furnished the information and appellant can approach them anytime for further information.

After going through the case papers and considering the argument advanced by parties it is revealed that the commission has furnished information. Records also show that the appellant was requested to collect the information from the commission. Appellant has sought the same information from a large no of departments. Many of them have expressed their inability to comprehend the language and the content of the information sought.

This could be one of the reason for information being incomplete. The appellant should make his application simpler and pointed so that Public Information Officer can comfortably furnish the desired information. In the light of the above discussion, I pass the following order.

### Order

The appeal is disposed off.

(Ramanand Tiwari)  
State Information Commissioner, Mumbai

Place: Mumbai  
Date: 27.02.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1847/02**

**Mr. Arvind Bhaskar Mestri  
Gananakrut Zopde No.15,  
9/9, Lakadiwala Chawl,  
Jawahar Path, Ghatkopar (E),  
Mumbai – 400 077.**

**... Appellant**

**V/s**

**First Appellate Officer cum Assist Commissioner,  
Municipal Cooperation, N Division,  
Ward Office, Jawahar Path,  
Ghatkopar (E), Mumbai – 400 077.**

**... Respondent**

**Public Information Officer cum Assist Engineer,  
Municipal Cooperation, N Division,  
Ward Office, Jawahar Path,  
Ghatkopar (E), Mumbai – 400 077.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to unauthorized religious structure on final plot no 185 city survey no 5815, RB Mehta Rd, Ghatkopar (E), Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 05.02.2009. Appellant and respondents were present.

The appellant has contended that he has not been given the desired information.

The respondent did not have any satisfactory information.

After going through the case papers and considering the argument advanced by parties I have come to the conclusion that the information must be furnished. Since it has not been furnished in time, it should be free of cost.

**Order**

The appeal is allowed. Information to be furnished by PIO within 30 days. PIO to explain why action under section 20 of the RTI should not be initiated against him. His explanation to reach within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1851/02

**Mr. Shekhar Shrikant Sawant**  
**1, Krushankunj Tejpal Skim Rd,**  
**No.5 Sahakar Marg, Vile Parle (E),**  
**Mumbai – 400 057.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Commissioner,**  
**Municipal Cooperation,**  
**Veermata Jijabai Bhosle Udyan,**  
**Dr.Ambedkar Marg,**  
**Byculla, Mumbai – 400 027.**

... **Respondent**

**Public Information Officer,**  
**Municipal Cooperation,**  
**Veermata Jijabai Bhosle Udyan,**  
**Dr.Ambedkar Marg,**  
**Byculla, Mumbai – 400 027.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to tenders invited for maintenance /beautification of gardens in 19 wards of Eastern and western suburban parts of Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 05.02.2009. Appellant and respondents were present.

The appellant has contended that he has not been furnished the required information.

The respondent's contention is that some information was denied because the process of finalizing tenders were on.

After going through the case papers and considering the argument advanced by parties it is revealed that the First Appellate Authority's has directed that the process at the time hearing was over and information should be furnished. The same has not been done. I therefore pass the following order.

### **Order**

The appeal is allowed. The information must be furnished within 15 days. The PIO should explain why information was not furnished despite the order passed by the First Appellate Authority. His explanation to reach within 15 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1820/02**

**Mr. Kamlakant V. Hire,  
1/1, prabhat Kriyasheel CHS,  
Mahakali Road, Mulund (E),  
Mumbai – 400 081.**

**... Appellant**

**V/s**

**First Appellate Officer cum Dy. Registrar,  
Cooperative Board, T-Division,  
Mumbai ACC Colony, Mulund (W),  
Mumbai – 400 080.**

**... Respondent**

**Public Information Officer,  
Cooperative Board, T-Division,  
Mumbai ACC Colony, Mulund (W),  
Mumbai – 400 080.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information relating to the amount deposited by him with the Prabhat Kriyasheel CHS, Mahakali Road, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 20.01.2009. Appellant was present but the respondent was absent.

The appellant is a member of the society. It appears that the society had taken loan from the Maharashtra State Cooperative Housing Finance Corporation Ltd. The appellant has some deputies regarding repayment of loan to the society. The appellant has asked for some information from the society. He also preferred appeal before the Dy. Registrar. In all it is more an issue of grievance redressal rather than information. The Maharashtra Cooperative Societies Act 1960 has equipped the Dy. Registrar adequately to render assistance in such cases. I therefore order that the Dy. Registrar cooperative Societies should help the appellant.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1846/02**

**Mr. Santosh Baban Gadgade  
Near Ambabai Mandir,  
640, Vijapur Naka, No.1,  
Solapur – 413 004.**

... **Appellant**

**V/s**

**First Appellate Officer,  
Director of Technical Education,  
3, Mahanagarpalika Marg,  
Mumbai – 400 001.**

... **Respondent**

**Public Information Officer,  
Director of Technical Education,  
3, Mahanagarpalika Marg,  
Mumbai – 400 001.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the information regarding action taken on his application for his transfer.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 05.02.2009. Appellant and respondents were present.

The appellant contended that he has not been furnished information regarding action taken on his application for transfer. He has also sought information regarding movement of file which has been denied to him.

The respondent's contention is this information is personal and does not qualify as information under the Act.

After going through the case papers and considering the argument advanced by parties it is revealed that the appellant wanted transfer from Mumbai. There have been lot of correspondence in this regard. He has also complained against delay but the issue involved is not such as to warrant imposition of fine on the PIO. The PIO may consider his transfer to Solapur on mulnal basis.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1172/02**

**Akata Cooperative Board,  
Vikas Classes, Shastri Nagar,  
Near Soneri Maidan, Dharavi,  
Mumbai – 400 017.**

... **Appellant**

V/s

**First Appellate Officer cum Dy. Chief Officer  
Bombay Housing Area Board,  
Bandra, Mumbai Building Repair & Reconstruction Board,  
Bandra (E), Mumbai – 400 051.**

... **Respondent**

**Public Information Officer cum Chief Officer  
Bombay Housing Area Board,  
Bandra, Mumbai Building Repair & Reconstruction Board,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought copies of shifting orders issued by Shri Yuvraj Sawant to residents of transit camps for shifting to ‘T’ Building, “Pratikshanagar, Sion, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 05.02.2009. Appellant and respondents were present.

The appellant contended that the required information has not been furnished. He has also alleged that allotments have been made to ineligible persons.

The respondent’s contention that the record available is not adequate to furnish the information. He has stated that he was collecting the information.

After going through the case papers and considering the argument advanced by parties I have come to the conclusion that information should be furnished. It is very important to know who has come from where. The PIO should put his house in order and furnish the required information.

**Order**

The appeal is allowed. Information to be furnished by POIO within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1861/02**

**Dr. Sudhakar Mahadev Parhane  
103, Kamalprabha Apt.  
Dhantoli, Nagpur 440 012.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Medical Education & Drugs Dept.  
Mantralaya, Mumbai – 400 032.**

**... Respondent**

**Public Information Officer,  
Medical Education & Drugs Dept.  
Mantralaya, Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certain information relating to his promotion as Associate Professor on adhoc basis and why was it taking time and when would he be promoted.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 21.02.2009 (Video Conference).

The appellant has contended that persons who are junior to him have been promoted but he has not been promoted. He therefore wanted to know by what time was he likely to be promoted.

The respondent's contention is that this does not fit into the definition of information. Information has been defined as 'any material in any form including records, documents, memos, emails opinions advices, press releases circulars orders etc.' He has however submitted copies of correspondence and information given to the appellant.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the desired information does not fall within the definition of information as defined under the RTI Act 2005. The commission is of the view that the orders passed in this regard need not be interfered with.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 21.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1952/02**

**Shri Parag A. Kothavale,  
3/66, Ahilya Smurti, Pandurangwadi,  
Rd No.2, Goregaon (E),  
Mumbai – 400 063.**

**... Appellant**

**V/s**

**First Appellate Officer,  
Public Trust Registration Office,  
Brihamumbai Division,  
Charity Dy. Commissioner,  
Office of the Charity Commissioner,  
2<sup>nd</sup> Floor, Dr. Anei Bezant Marg,  
Worli, Mumbai – 400 051.**

**... Respondent**

**Public Information Officer,  
Public Trust Registration Office,  
Brihamumbai Division,  
Charity Dy. Commissioner,  
Office of the Charity Commissioner,  
2<sup>nd</sup> Floor, Dr. Anei Bezant Marg,  
Worli, Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certain information relating to Balshikshan Trust (1949). The appellant wanted to know whether the bank accounts of the trust are operated in accordance with the directions of the Hon High Court, whether permission has been obtained from the Charity Commissioner before withdrawing money.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 24.02.2009. Appellant and respondent were present.

The appellant has contended he has not been provided the information he had sought.

The respondent's contention is that they have already furnished the information by their communication dated 10.12.2008 informing the appellant that their record shows that no permission has been obtained operating the Bank account. Information on other points has been furnished.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion the information has been furnished.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.02.2009.



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1940/02

**Shri. Jaganarayan M. Kahar,  
CITU Andheri Centre,  
Bhaktawar Building, 2<sup>nd</sup> Floor,  
Andheri (W), Mumbai – 400 058.**

... Appellant

V/s

**First Appellate Officer cum Senior Executive Officer  
BEST Bhavan,  
Mumbai – 400 001.**

... Respondent

**Public Information Officer cum Executive Officer  
BEST Bhavan,  
Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought certain information relating to allotment of accommodation to BEST employees, their names and designation, no of employees who applied, no flats / tenements vacant and no of employees who have been given quarters on special grounds.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the commission. The appeal was heard on 18.02.2009. Appellant and respondent were present.

The appellant has contended that he has not been given complete information.

The respondent's contention is that they furnished all the available information.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion is that required information has been furnished. Respondents have given copies to the commission. It would appear from their written submission that the information has been furnished. I therefore pass the following order.

### Order

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai

Date: 27.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1873/02**

**Shri. Hemant Shravan Koli & Others  
Turbhe Macchimar Vividh Karyakari Sahakari Society Ltd.  
Near Ram Mandir,  
Trombe, Koliwada,  
Mumbai – 400 088.**

**.....Appellant**

**V/s**

**First Appellate Officer cum Addl. General Manager,  
B.E.S.T. Undertaking,  
BEST Bhavan,  
BEST Marg, P.O.Box -192,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Chief Engineer,  
B.E.S.T. Undertaking,  
BEST Bhavan,  
BEST Marg, P.O.Box -192,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought a copy of the submission made by the respondent in NM No. 2984 of 1988 & Writ Petition No. 3846 of 1988. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this appeal before the Commission. The appeal was heard on 10.02.2009. Appellant and respondent were present. The appellant's contention is that he needs the information to find out the basis on which Hon. High Court allowed the respondent to level & fill the ground. There was a dispute between the appellant and the respondent. The appellant had wanted this land to be given to them for undertaking activities related their society. The respondent was granted the land for establishing facilities to meet the transport needs of the area. The Writ Petition has since been dismissed.

I have gone through the case papers and also considered the arguments advanced by parties. Since the Writ Petition has been dismissed and the respondent is a Public body, the information sought by the appellant, should be allowed and information furnished. I therefore pass the following order.

**Order**

The appeal is allowed. The information sought by the appellant should be furnished within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 10.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1874/02

**Smt. Hemant Shravan Koli & Others**  
**Turbhe Macchimar Vividh Karyakari Sahakari Society Ltd.**  
**Near Ram Mandir,**  
**Trombe, Koliwada,**  
**Mumbai – 400 088.**

....Appellant

V/s

**First Appellate Officer cum Commissioner,**  
**Department of Fisheries,**  
**Taraporewala Aquarium,**  
**Mumbai – 400 002.**

.... Respondent

**Public Information Officer cum Asstt. Fisheries,**  
**Department of Fisheries,**  
**Taraporewala Aquarium,**  
**Mumbai – 400 002.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has asked for information regarding budget provision for provision of basic facilities for fishermen. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in appeal before the Commission. The appeal was heard on 10.02.2009. Appellant and respondent were present. The respondents have stated that they have not denied information but sought more time as the volume of information is high from 1996 to 2008. I would like to stress that this was one area where self disclosure under section 4 of the RTI could have helped the respondents. In view of the willingness of the respondent to furnish the information I pass the following order.

### **Order**

The appeal is allowed. Appellant shall be given the required information within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date : 10.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1321/02**

**Shri. Popat Murlidhar Jadhav  
At Post – Akhegaon, Tal. – Shevgaon,  
( vaya Pathardi),  
District – Ahmednagar.**

**....Appellant**

**V/s**

**First Appellate Officer cum District Dy. Registrar,  
Co-operative Societies, Mumbai (1),  
City, Malhotra House, 6<sup>th</sup> Floor,  
Opp. G.P.O., Fort,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Asstt. Registrar,  
Co-operative Societies, Mumbai (1),  
City, Malhotra House, 6<sup>th</sup> Floor,  
Opp. G.P.O., Fort,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant wanted to know reasons for late declaration of results of election to the State Transport Co-operative Bank Ltd. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal. The appeal was fixed for hearing on 10.2.2009. The appellant has sought adjournment. The respondent was present. The respondent has stated that all relevant papers relating to diction have been sealed and kept and therefore the information required cannot be furnished. I have gone through the case papers and also considered the arguments. The Public Information Officer has come to the conclusion that the information asked for does not fit into the definition of information. The First Appellate Authority has confirmed the order. I am of the view that the Public Information Officer and the First Appellate Authority have not appreciated the spirit behind the appellant enquiry. The appellant feels declaration of result has been delayed. There has to be some reason on record. The same has to be communicated to the appellant. If some one has not recorded reasons for late declaration, then it will be very sad and dangerous for such democratic election. I am therefore of the view that information should be furnished. I pass the following order.

**Order**

The appeal is allowed. Appellant should be given information free of cost within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1321/02**

**Shri. Shrikant Sakharam Prabhu  
B – 23, Udyan Prabha Tejpal Scheme,  
Road No. 2, Vile Parle (East),  
Mumbai – 400 057.**

**....Appellant**

**V/s**

**First Appellate Officer cum Estate Manager (W),  
4<sup>th</sup> Floor, Grih Nirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Estate Manager (W),  
4<sup>th</sup> Floor, Grih Nirman Bhavan,  
Bandra (E), Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought details provided by Shri. Rameshbhai Bhikubhai Gorahawa for getting allotment of Room No.16 on plot No.16 RSC – 31, Shrisai Co-operative Housing Society Ltd. and true copies of all documents furnished by him for getting allotment of the said room in his name. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in appeal before the Commission. The appeal was heard on 11.02.2009. Appellant and respondent were present. The appellant has stated that he has not been furnished the required information. The respondent has stated that the relevant file containing details of membership of Gorahawa was not traceable. It was finally agreed that the respondent must make diligent search and furnish details to the appellant.

**Order**

The appeal is allowed. The respondent to make diligent efforts to locate the file and furnish relevant information to the appellant. This should be done within 45 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 11.02.2009

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1321/02

**Shri. K.N. Mandke**  
**48, Anugiri CHSL.,**  
**Mankhurd (East),**  
**Mumbai – 400 088.**

....Appellant

V/s

**First Appellate Officer cum Executive Engineer,**  
**(Roads) Eastern Suburb,**  
**Municipal Corporation of Greater Mumbai,**  
**Transport Garage Building,**  
**Behind BEST Depot,**  
**Pant Nagar, Mumbai – 400 075.**

.... Respondent

**Public Information Officer cum Dy. Ch. Engineer,**  
**(Roads) Eastern Suburb,**  
**Municipal Corporation of Greater Mumbai,**  
**Transport Garage Building,**  
**Behind BEST Depot,**  
**Pant Nagar, Mumbai – 400 075.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding status of the road on CTS No. 115 passing from behind Padwa High School to Mankhurd Railway Station. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in appeal before the Commission. The appeal was heard on 11.2.2009. Appellant and respondent were present. It transpired during the hearing that appellants wanted this road to be constructed by M.C.G.M. The respondents have stated that the road is already in the Development Plan and partly constructed also. The decision to undertake the road is a collective one involving multiple agencies. They however, were convinced about the desirability of the demand. I would therefore direct the Ward Officer to put up the proposal before the Prabhag Samati and inform the appellant about the outcome.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date : 12.02.2009



**Shri. Masjid A. Oomerbhoy  
Nariman Building, 6<sup>th</sup> Floor,  
Flat 12A, 162, M.K. Road,  
Mumbai – 400 021.**

**....Appellant**

V/s

**First Appellate Officer cum Registrar General,  
High Court, Bombay,  
Fort,  
Mumbai.**

**.... Respondent**

**Public Information Officer cum Master & Asstt. Prothonotary  
High Court, Bombay,  
Fort,  
Mumbai.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information relating to certain property in possession of the court receiver. The Public Information Officer rejected his request on the ground that the application was not in the prescribed format and the information is in respect of judicial record and proceedings and in view Rule 9 & 19 of the Bombay High Court Right to Information Rules 2006 the same cannot be provided under Right to Information Act. The appellant preferred the first appeal but the same was rejected on the ground that the appellant had not taken cognizance of all grounds of rejection of his application. He was asked to amend his appeal memo. This appeal is against this order.

The appeal was heard on 9.2.2009. Appellant and the second respondent were present. The respondent has made his submission in writing. It appears that the appellant's applications as well as the first appeal have been rejected on technical ground. It was up to these authorities to ignore or take cognizance of the omissions but it would not be proper for me to say that the application / appeal could have been heard despite

deficiencies. I would therefore, advice the appellant to rectify these deficiencies and approach the Public Information Officer for being heard. I close the case at my level.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1831/02**

**Shri. Digambar Shankar Girme  
City Survey No. 422,  
Kasba Peth,  
Pune – 411011.**

**....Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary  
Home Department,  
Mantralay,  
Mumbai – 400 32.**

**.... Respondent**

**Public Information Officer cum Under Secretary  
Home Department,  
Mantralay,  
Mumbai – 400 32.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding his detention under section 110 of the Criminal Procedure Code. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this appeal before the Commission. The appeal was heard on 9.2.2009. Appellant and respondent were present. It transpired during the hearing that the appellant has been informed by the Home Department by its letter dated 4.11.2004. He was informed that it was appeal able before the session's court. In view this, I decide to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 12.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1838/02**

**Shri. Damodar Baburao Thikane  
House No. 530, Gangavesh Sinner,  
Tal – Sinner, Dist – Nasik.**

**.....Appellant**

**V/s**

**First Appellate Officer  
Medical Education and Medicine Section,  
Mantralaya,  
Mumbai – 32.**

**.... Respondent**

**Public Information Officer  
Medical Education and Medicine Section,  
Mantralaya,  
Mumbai – 32.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant sought information and copies of relevant documents raising the pay scale of Public Relations Officer and Electrical Engineer from Rs. 6500/- to 8000/- copies of correspondence between govt. and the university of Health Sciences and related issues. Not satisfied with responses from the Public Relations Officers and the First Appellate Authority, he has preferred this appeal before the Commission. The appeal was heard on 9.2.2009. The appellant did not turn up. Respondents were present. I have gone through the case papers. It is revealed that the appellant was informed by the Under Secretary under his letter dated 11.4.2008 to deposit Rs. 225 and collect the information. There is nothing on record to show that the appellant deposited the required amount to collect the information. In light of this I decide to close the case.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1829/02**

**Shri. D.M. Jadhav  
A - 702, Blue Bell, Central Avenue,  
Hiranandi Garden, Powai,  
Mumbai – 400 076.**

**....Appellant**

**V/s**

**First Appellate Officer  
General Administration Department,  
23 – A, Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
General Administration Department,  
23 – A, Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information:

Copy of the letter dated 12.06.2003 written by the State Govt. employees to the Chief Minister with his endorsement, if the order has been cancelled a copy thereof remarks of the Finance Minister and current status. He was not satisfied with responses from the Public Information Officer and the First Appellate Authority and hence this appeal. The appeal was heard on 9.2.2009. Appellant and respondent were present. The appellant has stated that he has not been furnished the information he had asked for. The respondent in his detailed written submission has stated that the appellant was informed by respondents letter dated 25.9.2008 to deposit necessary fee for getting the information. He was not present at the time of hearing of the first appeal and therefore the appeal was dismissed. He has also stated that the appellant was allotted a service quarter which he wants to purchase but since the govt. does not have such a scheme his request could not be considered. It has also been stated that the Hon. High Court has rejected his petition on the same ground.

In view of the fact that the appellant was given an opportunity to collect the information after depositing necessary fee and also in view of the fact that his appeal was rejected because he remain absent the case should be closed. I therefore pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1880/02**

**Adv. Shri. Manmohan A. Dudhane  
408, 4<sup>th</sup> Floor, Siddhi Sadan,  
Fitwala Road, Elphiston,  
Mumbai – 400 013.**

**....Appellant**

**V/s**

**First Appellate Officer cum Controller  
Govt. Transport Service,  
Sir Pochkhanwala Marg,  
Worli, Mumbai – 400 030.**

**.... Respondent**

**Public Information Officer cum Controller  
Govt. Transport Service,  
Sir Pochkhanwala Marg,  
Worli, Mumbai – 400 030.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information from the Govt. Transport Service in respect of purchase of vehicles, writing off vehicle, supply of private vehicles to state guest when govt. vehicles are not available. He did not receive the information from the Public Information Officer and so he filed the first appeal. The First Appellate Authority did not pass any order and he has stated that since the information was not furnished in time, the Public Information Officer and the First Appellate Authority should be punished. The respondent has submitted that the information sought was bulky and it required to be collected from departments in the organisation. The delay was because of the nature of the information sought and the process of collecting it. There was no deliberate intention to deny or furnish late the information sought by the appellant. I have gone through the case papers and also considered the arguments advanced by parties. I am of the view that the information sought did require time and co-ordination. The fact that respondents have offered to furnish the information shows that they did not want to deny the information and there was no malafide. I am however cautioning them that it is absolutely necessary to adhere to the time schedule. In light of the above discussion I pass the following order.

**Order**

Respondent should ensure that the information is sent to the appellant free of cost within 15 days. The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1870/02**

**Shri. Abdul Jabbar Malik  
Noor Jahan Co-op. Hsg. Society,  
Room No. 322, S.G. Barve Marg,  
C.S.T. Road, Kurla,  
Mumbai – 400 070.**

**....Appellant**

**V/s**

**First Appellate Officer cum Asstt. Commissioner,  
'L' Ward, Kurla,  
Mumbai – 400 070.**

**.... Respondent**

**Public Information Officer cum Senior Inspector,  
Office of the Senior Inspector,  
'L' Ward, Municipal Office,  
S.G.Barve Marg, Kurla (W),  
Mumbai – 400 070.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether a printing press has been allowed in room no. 15 of the Noor Jahan Co-operative Housing Society, Kurla. The Public Information Officer by his letter dated 15.5.2008 informed the appellant that inspection revealed that no printing press was being run and the question of action did not arise. The appellant was not satisfied and he filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 5.7.2008 directed the Senior Inspector of Licenses to personally verify and initiative necessary action against the alleged unauthorised press. The appeal was heard order. The appeal was heard on 10.2.2009. Appellant and respondent were present. The appellant has stated that the unauthorised activity is still on. The respondent has submitted that their inspection revealed that no press was being run there. I have gone through the case papers and also considered arguments advanced by parties. Case papers show a letter dated 10.10.2006 saying that the site was visited on 25.9.2006 and necessary legal action under section 394 of the MMC act has been initiated. But subsequent inspection shows no press being run there. It is possible that it has been stopped now. Respondents also submitted that some remnants of press are there. The issue is not whether the press is being run or not if the activity is unauthorised, action has to be taken. It is not important whether the press was

operational at the time of the inspector's visit. An authorised press will normally be unoperational during the inspector's visit. Action has to be initiated for starting an activity not authorised by law. Incidentally, the appellant is not only a resident but also an office bearer of the society. I would therefore direct that the unauthorised structure / remnants of the press should be removed and the appellant informed accordingly. I therefore, pass the following order.

**Order**

The appeal is allowed. Public Information Officer to take necessary action and inform the appellant accordingly.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1833/02**

**Shri. Anil Shobhraj Israni  
1 A /6, Sion Sindhi Colony,  
Sion (W), Mumbai – 400 022.**

**....Appellant**

**V/s**

**First Appellate Officer cum District Dy. Registrars,  
Co-operative Societies Mumbai (1), City,  
Malhotra House, 6<sup>th</sup> Floor,  
Opp. G.P.O.,  
Mumbai – 400 001.**

**.... Respondent**

**Public Information Officer cum Asstt. Registrar F/n,  
Co-operative Societies Mumbai (1), City,  
Malhotra House, 6<sup>th</sup> Floor,  
Opp. G.P.O.,  
Mumbai – 400 001.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding transfer of room no.6, block no. 1A, Sion Sindhi Colony, Sion. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has filed this second appeal before the Commission. The appeal was heard on 9.2.2009 Appellant and respondent were present. It appears that this information lies with the society and it has been directed under section 79 (1) of the Maharashtra Co-operative Society Act 1960 to furnish the information. It is also seen that a notice under 78 (1) asking the managing committee why it should not be dismissed and administrator appointed has been issued. The society seems to be recalcitrant and not responding to the directives. The Maharashtra Co-operative Society Act 1960 has armed the department sufficiently to deal with such societies. Since the information is not held by the Dy. Registrar, it is not possible to force him to furnish the information. Record shows that all reasonable steps have been taken to secure information for the appellant. I would recommend that appellant should pursuance the matter with the District Deputy Registrar Co-operative Societies.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Shri. Vijay Chouhan**  
**2 A, Sun & Sea Apartment,**  
**Near Royal Lane, Juhu Tara Road,**  
**Santacruz (W),**  
**Mumbai – 400 049.**

**....Appellant**

V/s

**First Appellate Officer**  
**Co-operative, Textile, Marketing Department,**  
**Mantaralaya ,**  
**Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer**  
**Co-operative, Textile, Marketing Department,**  
**Mantaralaya ,**  
**Mumbai – 400 032.**

### **GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his complaint dated 9.8.2008. The Public Information Officer by his letter dated 29.8.2009 informed the appellant that his application has been sent to the Commissioner of Co-operation, Pune and he should get in touch with him. The appellant was not satisfied and preferred the first appeal under section 19(1) of the Right to Information Act, 2005. The first Appellate Authority by his order dated 13.10.2008 directed Additional Registrar (Housing) Co-operative Societies to furnish the information. The appellant was not satisfied and hence this appeal. The appeal was heard on 10.2.2009. Appellant and respondent were present. The appellant reiterated his plea that he has not been furnished the information. Respondents have pointed out the information sought is vast and also non specific. It also appears from case papers that the complaint dated 9.8.2008 has been sent to the Dy. Registrar Co-operative Societies, Mumbai. I have gone through the complaint dated 9.8.2009. It is true that the complaint is non specific. I can understand the concern of the appellant. I am however of the view that the Right to Information Act has its limitations. It guarantees furnishing of available information. The appellant has prescribed a 14 point format and wants information of the whole department. This does not seem feasible. Section 7(9) of the RTI very clearly says that information shall ordinarily be provided in the form in which it is sought unless it would disproportionately

divert the resources of the public authority. The present case is definitely covered under section 7 (9). I would advise the appellant to be specific and everyone is duty bound to furnish the information. Under these circumstance. I am constrained to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Shri. Shivkumar Ramchandra Sharma**  
**Bldg. 29/ A-22, Takshila (2<sup>nd</sup> Floor),**  
**Mahakali Caves Road,**  
**Andheri (East),**  
**Mumbai – 400 093.**

**....Appellant**

V/s

**First Appellate Officer cum The Asstt. Engineer**  
**Building & Factory Department,**  
**Municipal Corporation of Greater Mumbai,**  
**G/S Ward, MCGM,**  
**N.M.Joshi Marg,**  
**Elphistone,**  
**Mumbai – 400 018.**

**.... Respondent**

**Public Information Officer cum The Asstt. Engineer**  
**Building & Factory Department,**  
**Municipal Corporation of Greater Mumbai,**  
**G/S Ward, MCGM,**  
**N.M.Joshi Marg,**  
**Elphistone,**  
**Mumbai – 400 018.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information whether permission was granted to Wigan & Leigh College to carry out its activities in a Mill premises surrounded by industrial estates in Lower Parel. He had asked information on the following points:

- a) Has WLC taken permission from you to run a college in the said premises? If so from which date?
- b) Did your staff inspect the premises? I want a copy of the inspection report.
- c) Have you found the construction proper, suitable and strong enough to run a college?
- d) Are the safety standards with respect to strength of the construction, ventilation, fire fighting, hygiene, sanitation etc complied with ? If so, please furnish me the report.
- e) Lastly, if you have given permission, I request a copy of the same.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has preferred this second appeal before the Commission. The appeal was heard on 16.2.2009. The appellant did not turn up.

The respondent was present. They have pointed out that they do not give permission to run a college and it is the All India Council for Technical Education which permits such activities. Case papers also reveal that the appellant is touch with AICTE and their Regional Office in Mumbai. Under these circumstances I decide to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009



Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1911/02

**Shri. Sanjay Anant Mulik  
1923 B, Rangoli Aali,  
Ravivar Peth,  
Wai, Taluka – Wai,  
District – Satara.**

.....Appellant

V/s

**First Appellate Officer cum Secretary  
Maharashtra Public Service Commission,  
Mumbai Bank of India Bldg.,  
3<sup>rd</sup> Floor, Mahatma Gandhi Marg,  
Hutatma Chowk,  
Mumbai – 400 001.**

.... Respondent

**Public Information Officer  
Maharashtra Public Service Commission,  
Mumbai Bank of India Bldg.,  
3<sup>rd</sup> Floor, Mahatma Gandhi Marg,  
Hutatma Chowk,  
Mumbai – 400 001.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding Govt. instruction prescribing minimum of 50% marks for qualifying for interview. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission. The appeal was heard on 16.12.2009. the appellant did not turn up. The respondent was present. He has shown to me the Govt. communication dated 14<sup>th</sup> August 2007 prescribing 50% marks to qualify for viva voce. The same has been incorporated into Maharashtra Judicial Service Rules 2008. The respondent was asked to inform the appellant suitably.

### Order

The appeal is allowed. Appellant to be informed about Govt. communication also publication of the service rules within 15 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009

**Shri. Edwin D'souza**  
**C – 108, Versova Jupiter Co-op. Hsg. Socty. Ltd.,**  
**Lokhandwala Complex,**  
**4<sup>th</sup> Cross Road,**  
**Andheri (W),**  
**Mumbai – 53.**

....Appellant

V/s

**First Appellate Officer cum Dy. Chief Engineer**  
**Building proposal, Western Suburbs,**  
**K Ward, R.K.Patkar Road, Opp. Post Office,**  
**Bandra (W), Mumbai – 400 050.**

.... Respondent

**Public Information Officer cum Asstt. Engineer**  
**Building proposal, Western Suburbs,**  
**K Ward, R.K.Patkar Road, Opp. Post Office,**  
**Bandra (W), Mumbai – 400 050.**

### GROUNDS

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought the following information in respect of Versova Jupiter Co-operative Housing Society Ltd., Plot No. 70, S.N. 41, Swami Samartha Nagar, Versova, Andheri (West), Mumbai.

- i) No. of garages with rolling shutters sanctioned.
- ii) No. of stills
- iii) No. of parking
- iv) Whether building has been issued OC if so a copy of the OC
- v) Reason for not granting OC
- vi) Whether the items no. 1 to 3 attract BMC taxes

The Public Information Officer by his letter dated 20.6.2008 informed the appellant that he could take inspection of the documents and copies of the selected ones will be furnished. The appellant was not satisfied and filed the first appeal under section 19 (1) of the RTI Act. The First Appellate Authority under his order dated confirmed the Public Information Officer's order hence this appeal.

The appeal was fixed for hearing on 10.2.2009. Neither the appellant nor the respondent turned up. The appeal is decided on merits.

I have gone through the case papers and have come to the conclusion that the orders passed by the Public Information Officer and the First Appellate Authority had no intervention.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1897/02

**Smt. Nasim Zulkarnain Merchant**  
**14/3, Jubilee Mansion,**  
**Navroji Hill Road # 1,**  
**Mumbai – 400 009.**

....Appellant

V/s

**First Appellate Officer cum Asstt. Commissioner,**  
**Brihanmumbai Mahanagar Palika,**  
**Shri. Chhatrapati Shivaji Market Bldg.,**  
**2<sup>nd</sup> Floor, Palton Road,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer cum Administrative Officer,**  
**Estate Department,**  
**Brihanmumbai Mahanagar Palika,**  
**Shri. Chhatrapati Shivaji Market Bldg.,**  
**2<sup>nd</sup> Floor, Palton Road,**  
**Mumbai – 400 001.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. He had sought information regarding transfer of plot no. 60-61 Sandhurst Road (E), in the name of the appellant. The appellant has stated that although BMC legal department has okayed the proposal, the estate department has not done anything. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has preferred this second appeal. The appeal was fixed for hearing on 12.2.2009. The appellant was present but the respondent did not turn up. After going through the case papers and considering the arguments advanced by the appellant, I have come to the conclusion that information must be furnished at the earliest. It appears from case papers that the Estate Department had made references which have been fully replied by the Legal Department. The Estate Department must act fast and settle the issue.

### **Order**

The appeal is allowed. The Estate Department to finalise the matter and inform the appellant within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1324/02**

**Shri. Vinod S. Chate  
101, Krishna Heights, Plot No. 254,  
12<sup>th</sup> Road, Khar (W),  
Mumbai – 400 054.**

**....Appellant**

**V/s**

**First Appellate Officer  
Planning Department,  
(EGS) Mantaralya, Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
Planning Department,  
(EGS) Mantaralya, Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had sought information regarding payment of compensation as directed by courts of law for lands acquired under the Employment Scheme since 1992. The Public Information Officer informed the appellant that the information asked for does not fit into the definition under section 2(f) of the RTI hence could not be furnished. The appellant filed the first appeal under section 19(1) of the RTI Act. The First Appellate Authority by his order dated 9.5.2008 furnished the available information. The appellant was not satisfied and hence this appeal. The appeal was heard on 10.2.2009. The appellant did not turn up. The respondent was present. He has informed the Commission that the information was furnished late by the Public Information Officer and the Public Information Officer being new and not aware of the whole procedure has apologised for delay. The First Appellate Authority has informed that information since 1992 was not available at Mantralaya level and the information compiled at the end August, 2008 has been furnished.

After going through the case papers and also considering the written submission made by the respondent, I am of the view that available information has been furnished. Incidentally the respondent informs the Commission that appellant's personal case of compensation has also been finalized. In view of this I decide to close the case.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1834/02**

**Shri. Shivkumar Kaliram Agarwal  
2/5, Agarwal Nagar, Vasinaka,  
R.C.Marg, Chembur,  
Mumbai – 400 074.**

**....Appellant**

**V/s**

**First Appellate Officer  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer  
M.M.R.D.A.,  
Bandra Kurla Complex,  
Bandra (E),  
Mumbai – 400 051.**

**GROUND**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding his proposal for rehabilitation of commercial structures affected by the Anik Panjarapol Link Road. There is nothing on record to show that either the Public Information Officer or the First Appellate Authority has passed any order. The appellant states that his proposal was sent to Dy. Collector (Encroachment removal) but he has heard nothing. The appeal was heard on 9.2.2009. The appellant was present but respondent was not present. After going through the case papers and hearing the appellant, I have come to the conclusion that the information must be furnished. I therefore pass the following order.

**Order**

The appeal is allowed. Public Information Officer to furnish the information within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 13.02.2009.

Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.

Appeal No.2009/1944/02

**Shri. Mahadev Tukaram Shinde**  
**Shivnagar, Near Ambiwali Sation (W),**  
**At post – Atali,**  
**Taluka – Kalyan,**  
**District – Thane,**

....Appellant

V/s

**First Appellate Officer**  
**Establishment,**  
**Public Health Department,**  
**Mantralaya, Mumbai – 400 032.**

.... Respondent

**Public Information Officer**  
**Establishment,**  
**Public Health Department,**  
**Mantralaya, Mumbai – 400 032.**

### **GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant had asked for return of his caste certificate which had remained with the Public Health Department after verification. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, he has preferred this second appeal before the Commission. The appeal was fixed for hearing on 18.2.2009. The appellant however by his letter dated 16.2.2009 has communicated that he has got his caste certificate verified from the social welfare department and does not want to proceed with the appeal. He therefore wanted to withdraw the appeal. The request is granted.

### **Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 18.02.2009.



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1945/02**

**Prof. Shri. Patankar Nisarali Mohammad  
2/204, Aaghadi Nagar,  
Andheri (East),  
Mumbai – 400 093.**

**....Appellant**

**V/s**

**First Appellate Officer cum General Secretary,  
Khairul Islam Higher Education Society's  
Maharashtra College of Arts, Science & Commerce,  
2, Prince Court, 53/G, Clare Road,  
Byculla, Mumbai – 400 008.**

**.... Respondent**

**Public Information Officer cum Principal,  
Khairul Islam Higher Education Society's  
Maharashtra College of Arts, Science & Commerce,  
2, Prince Court, 53/G, Clare Road,  
Byculla, Mumbai – 400 008.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought the following information:-

- Attested Copies of audited (1) Statement of accounts  
(2) Statement of Income & Expenditure  
(3) Receipt Book / s  
(4) Ledger Book / s  
(5) Cash Book /s  
(6) Credit Voucher File /s  
(7) Debit Voucher File/s  
(8) Pass Book / s  
(9) Fixed Deposit Certificates

All for financial years ending 31<sup>st</sup> March 2002 & all for Maharashtra College. Not satisfied with responses from the Public Information Officer and the First Appellate Authority, the appellant has come in second appeal before the Commission. The appeal was fixed on 18.2.2009. Appellant and respondent were present. The appellant has reiterated his demand. The respondent however expressed his apprehension in view of the volume of information sought. I have gone through the case papers and also considered the arguments advanced by parties. It is true that the information sought is voluminous. Similarly, copies of passbooks, fixed deposit receipt and statement of bank account are not

likely to serve any public purpose. I therefore, feel that information on point no.1 and 2 should be furnished. This should meet the requirement and would reduce the volume; I therefore pass the following order.

**Order**

The appeal is partially allowed. Information on point no 1 & 2 should be furnished within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 18.02.2009.

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1927/02**

**Shri. Mangesh Mane  
B.D.D.Chawl No. 99, Room No.55,  
Worli,  
Mumbai – 400 018.**

**....Appellant**

**V/s**

**First Appellate Officer  
Ministry of Law & Judiciary Department,  
Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer cum Under Secretary,  
Ministry of Law & Judiciary Department,  
Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19(3) of the Right to Information Act 2005. The appellant has sought information regarding organisation, functions, methods of recruitment, whether they have been followed and other related issues in respect of Law & Judiciary Department, Government of Maharashtra. The information officer by his letter dated 14.1.2008 has furnished the information but the appellant was not satisfied. He filed the first appeal under section 19(1) of the RTI Act. There is nothing on record to show that the First Appellate Authority has passed any order. Hence this second appeal before the Commission. The appeal was fixed for hearing on 17.2.2009. Neither the appellant nor the respondent turned up. The appeal is decided on merit.

I have gone through the case papers on record. It appears that the Public Information Officer has furnished point wise information. He has also informed the appellate that relevant information was also available on [www.maharashtra.gov.in](http://www.maharashtra.gov.in). It is also seen that his application was circulated among different PIOs dealing with different subjects. I have no reason to feel that the department has tried to deny the information sought by the appellant. It is another matter that they have expressed their inability to

understand and comprehend the appellant's language and contents. In the light of the discussion, I have come to the conclusion that available information stands furnished. I therefore, pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 17.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1806/02**

**The Chairman,  
Anshul Bahuuddeshiya Sushikshit Berojgar Seva  
Sahakari Sanstha Maryadit,  
Ambedkar Ward, Warthi,  
Tal. – Mohadi, Dist. – Bhandara,  
Pin Code – 441905.**

**....Appellant**

**V/s**

**First Appellate Officer Labour Commissioner & Member Secretary,  
Maharashtra Rajya Kantrati Kamgar Sallagar Mandal,  
Commerce Centre, Tardeo,  
Mumbai – 400 034.**

**.... Respondent**

**Public Information Officer cum Labour Commissioner & Member Secretary,  
Maharashtra Rajya Kantrati Kamgar Sallagar Mandal,  
Commerce Centre, Tardeo,  
Mumbai – 400 034.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding Sunflag Iron and Steel Co., whether it is located in inaccessible or industrially undeveloped area, opportunity of employment to local people etc. The Public Information Officer by his letter dated 16.6.2007 furnished the information but the appellant was not satisfied. He preferred appeal under section 19(1) of the Right to Information Act. There is nothing on record to show that the First Appellate Authority has passed any order. Hence this appeal. The appeal was fixed for hearing (Video Conference) on 20.2.2009. The appellant was present. Respondent were also present.

I have gone through the case papers. The main concern of the appellant seems to be employment to local people. The Industries Department's letter dated 21.8.2004 makes it clear that unit can have contract labour. This is govt's conscious decision and the Commission is not mandated to comment on it. There is also a letter from the office of the Asstt. Labour Commissioner in charge dated 18.7.2006 furnishing information about employment. Right to Information ensures furnishing of available information. After going through the file I am convinced that information on both points location of the unit and employment to local people has been furnished. I therefore, pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 21.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1967/02**

**Shri. Rajendra Kalu Nankar  
N – 53, A.J. 1/26/5,  
Mahatma Phule Nagar, Pawan Nagar,  
Cidco, Nasik – 400 008.**

**....Appellant**

**V/s**

**First Appellate Officer  
Public Health Department,  
Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
Public Health Department,  
Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought information regarding action taken on his complaint against the cashier Zilla Parishad, Nasik, Maharashtra. He had complained that the sale proceeds received from sale of waste papers were deposited in govt. treasury after he sought information under Right to Information Act. The appeal was fixed for hearing on 25.2.2009. Neither the respondents nor the appellant turned up. The appeal is decided on merit.

I have gone through the case papers. It appears that the appellant by his letter dated 7.4.2008 sought the information but his application was submitted in the Department of Public Health. The same was forwarded to District Health Officer, Zilla Parishad, Nasik under intimation to the appellant. It also appears that a reminder dated 25.7.2008 was also sent. There is nothing on record to show that information has been furnished to the appellant. It is however clear that the proceeds have been deposited after the appellant sought information. This is highly irregular. I would therefore direct the Chief Executive Officer, Zilla Parishad to get it investigated and communicate the finding to the appellant. I therefore, pass the following order.

**Order**

The appeal is allowed. The Chief Executive Officer, Zilla Parishad to get it investigated and communicate the finding to the appellant. This should be done within 45 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 25.02.2009



**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1966/02**

**Shri. Rajendra Kalu Nankar  
N – 53, A.J. 1/26/5,  
Mahatma Phule Nagar, Pawan Nagar,  
Cidco, Nasik – 400 008.**

**....Appellant**

**V/s**

**First Appellate Officer  
Public Health Department,  
Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
Public Health Department,  
Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had information regarding action taken on his complaint against cashier Zilla Parishad Nasik, Maharashtra. He had complained that the sale proceeds received from sale of waste papers were deposited in govt. treasury after he sought information under Right to Information Act. The appeal was fixed for hearing on 25.2.2009. Neither the respondents turned up. The appeal is decided on merit.

I have gone through the case papers. It appears that the appellant by his letter dated 7.4.2008 sought the information but his application was submitted in the department of Public Health. The same was forwarded to District Health Officer Zilla Parishad, Nasik under intimation to the appellant. It also appears that a reminder dated 25.7.2008 was also sent. There is nothing on record to show that information has been furnished to the appellant. It is however clear that the proceeds have been deposited after the appellant sought information. This is highly irregular. I would therefore direct the Chief Executive Officer, Zilla Parishad to get it investigated and communicate the finding to the appellant. I therefore, pass the following order.

**Order**

The appeal is allowed. The Chief Executive Officer, Zilla Parishad to get it investigated and communicates the finding to the appellant. This should be done within 45 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 25.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1929/02**

**Shri. D.M. Jadhav  
A – 702, Blue Bell Central Avenue,  
Hiranandani Garden, Powai,  
Mumbai – 400 076.**

**....Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
General Administration Department,  
23 – A, Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
General Administration Department,  
23 – A, Mantralaya,  
Mumbai – 400 032.**

**GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant has asked for copies of the letters written by Hon. Chairman, Vidhan Parishad Shri. Shivaji Rao Deshmukh and Hon. Shri. Rajesh Tope, Hon. Minister of State General Administration staying the expulsion order. The appellant wanted information regarding action taken on those letters. There is nothing on record to show that the Public Information Officer has passed any order. The First Appellate Authority also does not seem to have passed any order. Hence this appeal. The hearing was held on 17.2.2009. The appellant was present. The respondent was absent. After going through the case papers and hearing the appellant I have come to the conclusion that information must be furnished. I therefore, pass the following order.

**Order**

The appeal is allowed. Information to be furnished within 30 days.

**(Ramanand Tiwari)  
State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 25.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1931/02**

**Shri. D.M. Jadhav  
A – 702, Blue Bell Central Avenue,  
Hiranandani Garden, Powai,  
Mumbai – 400 076.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Secretary,  
General Administration Department, s  
23 – A, Mantralaya,  
Mumbai – 400 032.**

**.... Respondent**

**Public Information Officer  
General Administration Department,  
23 – A, Mantralaya,  
Mumbai – 400 032.**

**GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had asked information relating to submission of documents by Govt. in Writ Petition No. 491/2008, withdrawal of assurance no. 448 and copies of notings by Hon. Finance Minister and Finance Department on the file relating to allotment of alternate accommodation to 109 govt. servants who were staying in requisitioned flats. There is nothing on record to show that either the Public Information Officer or the First Appellate Authority has passed any order. Hence this appeal. The appeal was fixed on 17.2.2009. The appellant was present but the respondents were absent. I have gone through the file and also considered the arguments advanced by the appellant. I have come to the conclusion that information must be furnished on two points

- a) Copies of documents / submission made to Hon'ble High Court Writ Petition no. 491 / 2008.
- b) Copies of notings on the file relating to allotment of flats on ownership basis.

I pass the following order accordingly.

**Order**

The appeal is partially allowed. Information on points mentioned above must be furnished within 30 days.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 25.02.2009

**Before the State Information Commission, Maharashtra-Appeal under Section 19(3) of RTI Act, 2005.**

**Appeal No.2009/1498/02**

**Shri. Arun Ganpat Bhowar  
A / 603, Sai Aashih,  
Near Jankalyan Bank,  
Station Road, Vikroli,  
Mumbai – 400 083.**

**.... Appellant**

**V/s**

**First Appellate Officer cum Dy. Registrar,  
Co-operative Societies,  
Mumbai Housing Area Development Authority,  
Grihnirman Bhavan,  
Bandra (E),  
Mumbai – 400 051.**

**.... Respondent**

**Public Information Officer cum Secretary,  
Arun Niwara Co-operative Housing Society Ltd.,  
Bldg. No. 167, Kannamwar Nagar No. 1,  
Vikroli (E),  
Mumbai – 400 083.**

### **GROUND**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought certain information from Arun Niwas Co-operative Housing Society Ltd., Kannamwar Nagar, Vikroli. The society has stated that they are not covered by the Right to Information Act 2005. He filed the first appeal before the First Appellate Authority. There is nothing on record to show whether the First Appellate Authority has passed any order. Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 24.12.2009.

Appellant and respondents were present. The appellant has contended that the society has refused to furnish the information. The First Appellate Authority has not provided relief to him. The respondent's contention is this information is not available at Public Information Officer's level. He has also raised the issue whether the First

Appellate Authority can hear appeal under the RTI Act against the society which has not been declared a public authority.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that then case is not covered under the RTI Act. The Act clearly provides that information has to be sought from the Public Information Officer and if the appellant is not satisfied he can approach the First Appellate Authority under section 19 (1) of the Act. The second appeal also is not in order. The Maharashtra Co-operative Societies Act 1960 is sufficiently equipped to provide relief to the appellant. I therefore, pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.2.2009.

**Dr. Shri. Rajkumar Balkrishna Meshram**  
48, Girija, Vivekanand Nagar,  
Nagpur – 440 015.

.... Appellant

V/s

**First Appellate Officer**  
**Office of the Director,**  
**Directorate of Medical Education & Research,**  
**Government of Maharashtra,**  
**Govt. Dental College & Hospital Building,**  
**St. George's Hospital Compound,**  
**Mumbai – 400 001.**

.... Respondent

**Public Information Officer**  
**Directorate of Medical Education & Research,**  
**Government of Maharashtra,**  
**Govt. Dental College & Hospital Building,**  
**St. George's Hospital Compound,**  
**Mumbai – 400 001.**

### **GROUNDS**

This appeal has been filed under section 19 (3) of the Right to Information Act 2005. The appellant had sought the following information:-

- 1) Required educational qualification and experience for appointment to the post of Associate Professor in Microbiology (Adhoc on a purely temporary basis as well as permanent basis)
- 2) Complete details of the educational qualification of Dr.V.R.Shegokar, Associate Professor, Deptt. Of Microbiology
- 3) The date from which Dr. C.R. Shegokar was given senior scale (lecturer) whether he is eligible for the senior scale as per the criteria prescribed by govt.
- 4) Whether Dr.Shegokar is eligible for being recommended with his present qualifications, as examiner for M.B.B.S., D.M.L.T. and B.D.S. and postgraduate guide (for M.D.Microbiology) of the R.S.T. Nagpur University and Maharashtra University of Health Sciences, Nasik which he is.
- 5) Copies of records and file notings concerning Dr. V.R. Shegokar with regard to recommendations in his favour for the post of ad hoc Associate



Professor in the Department of Microbiology from 2002-2007 and then appointment as Associate Professor on a permanent basis by establishment board in 2007 with his original applications, remarks, notes and recommendations of the Professor & Head. Dept. of Microbiology, the Dean, Govt. Medical College & Hospital, Nagpur and the Director, Medical Education & Research, Govt. of Maharashtra, Mumbai.

Not satisfied with responses from the Public Information Officer and the First Appellate Authority the appellant has filed this second appeal before the Commission. The appeal was heard on 21.2.2009 (video conference).

Appellant and respondents were present. The appellant has contended he has not been provided with the complete information. His main point seems to be that Dr. Shegokar according to the appellant is not qualified for promotion but has been promoted. The information sought revolves round Dr. Shegokar and his promotion.

The respondent's contention is that they have provided the required information. They have also contended that if the appellant has any grievance against the promotion of Dr. Shegokar, the right way was to approach the Maharashtra Administrative Tribunal. The appellant, according to the respondent has been saying that the information furnished was not complete but has not pointed out how.

After going through the case papers and considering the arguments advanced by parties I have come to the conclusion that the information has been furnished. The respondent has submitted a copy of the information given to the appellant. It gives an impression that available information has been furnished. Redressal of grievances are not expected under the Right to Information Act. If appellant feels that injustice has been done. They should approach the appropriate authority. In the light of the above discussion I pass the following order.

**Order**

The appeal is disposed off.

**(Ramanand Tiwari)**  
**State Information Commissioner, Mumbai**

Place: Mumbai  
Date: 27.2.2009.